

**AMENDMENT NO. 9 TO
COOPERATIVE ENDEAVOR AGREEMENT
BETWEEN**

**STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

AND

**REGIONAL TRANSIT AUTHORITY
2817 CANAL STREET
NEW ORLEANS, LA**

FOR

**PURCHASE ORDER NO. 2000071309
ORLEANS, JEFFERSON, & ST. BERNARD PARISHES**

This Amendment (Amendment No. 9) to a certain Cooperative Endeavor Agreement (CEA) between the **Regional Transit Authority (RTA)** and the **State of Louisiana Department of Transportation and Development (DOTD)**, dated February 16, 2014 is entered into this _____ day of _____, 20_____.

1.

AMENDMENT PROVISIONS

By this Amendment No. 9, the parties hereby agree to amend the CEA as follows:

1. The maximum compensation payable to the RTA under this CEA is hereby increased from \$47,646,641.00 to \$99,046,641.00, which includes compensation for the CEA, inclusive of Amendment Nos. 1 through 9;
2. The State Annual Subsidy Schedule has been revised in attached "Exhibit K", as referenced in **Article VIII Financial Matters, 8.2 State Annual Subsidy Schedule** of the Agreement, due to additional funds provided for in the law.

2.

The DOTD and the RTA agree that all provisions of the above-referenced CEA dated February 16, 2014, Amendment Nos. 1 through 8, to the extent not inconsistent with this Amendment No. 9, shall remain in full force and effect.

The DOTD and the RTA recognize that the State Annual Subsidy Schedule (as itemized in Exhibit "K") and payable to the RTA, even as revised pursuant to this Amendment 9, and other revenues generated from Ferry Services, do not provide sufficient funding to satisfy the Ferry Services' current operating expenses. The DOTD and RTA further acknowledge that efforts have been and are currently being made to increase the annual Operating Subsidy Funds and related State Annual Subsidy Schedule, and to provide for Ferry Capital Funds.

Accordingly, the DOTD and the RTA recognize that, if additional subsidy funds are made available, the State Annual Subsidy Schedule (as itemized in Exhibit "K") will need to be revised accordingly by a further amendment to the CEA. The DOTD also recognize that, if such additional funds do not become available in whole or in part, then the RTA retains all termination rights afforded pursuant to the CEA and all related agreements.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized as of the day and year first above written.

WITNESSES:

REGIONAL TRANSIT AUTHORITY

Witness for First Party

BY: _____

Typed or Printed Name

Typed or Printed Name

Witness for First Party

Title

Typed or Printed Name

WITNESSES:

**STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT**

Witness for Second Party

BY: _____
Secretary

Typed or Printed Name

Typed or Printed Name

Witness for Second Party

RECOMMENDED FOR APPROVAL

Typed or Printed Name

BY: _____
Division Head

Amendment No. 9
P.O. Number 2000071309
New Orleans Ferry Service
Orleans, Jefferson, St. Bernard Parishes
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Typed or Printed Name

EXHIBIT “K”

Statement of Annual Ferry Operating Subsidy

1. Transportation Trust Funds -- \$4 million per year for each Project Year;
2. New Orleans Ferry Fund (La. R.S. 48:25.2) – Approximately \$800,000 per year each Project Year until June 30, 2017 and \$1,630,00 for Project Year 5 only; approximately \$1,140,00 for Project Years 7 – 10 (subject to Revenue Estimating Conference Forecast); approximately \$1,140,00 for Project Years 11 – 20 (subject to Revenue Estimating Conference Forecast);
3. Crescent City Transition Fund (La. R.S. 48:1161.2(a)) – \$700,000 per Project Year for Project Year 1 and Project Year 2 only;
4. Unexpended and unencumbered monies remaining in Geaux Pass Transition Fund; appropriation to DOTD for operational and maintenance costs for the New Orleans Ferries (La. R.S. 9:154.2.D(3)(a)) - \$680,881 for Project Year 2 only;
5. Revenues from DOTD (Flex, not included in DOTD P.O.) - \$700,000 for Project Year 4; and
6. Any additional funds statutorily or otherwise appropriated by law.

Schedule of Transfer of Estimated Funds

Project Year/Period	Transfer Date	Transfer Amount
¹ Project Year 1	February 16, 2014	\$975,760
Project Year 2	July 1, 2014	\$5,500,000
² Project Year 2	January 1, 2014	\$680,881
Project Year 3	July 1, 2015	\$4,800,000
Project Year 4	July 1, 2016	\$4,800,000
Project Year 4	November 1, 2016	\$700,000
Project Year 5	July 1, 2017	\$5,630,000
Project Year 6	July 1, 2018	\$4,000,000
Project Year 7	July 1, 2019	\$4,000,000
Project Year 8	July 1, 2020	\$6,280,000
Project Year 9	July 1, 2021	\$5,140,000
Project Year 10	July 1, 2022	\$5,140,000
Project Year 11	July 1, 2023	\$5,140,000
Project Year 12	July 1, 2024	\$5,140,000
Project Year 13	July 1, 2025	\$5,140,000
Project Year 14	July 1, 2026	\$5,140,000
Project Year 15	July 1, 2027	\$5,140,000
Project Year 16	July 1, 2028	\$5,140,000
Project Year 17	July 1, 2029	\$5,140,000
Project Year 18	July 1, 2030	\$5,140,000
Project Year 19	July 1, 2031	\$5,140,000
Project Year 20	July 1, 2032	\$5,140,000

1. Project Year 1 Transfer Amount calculated as follows:
 - a. Balance available as of 2/1/2014: \$2,190,267
 - b. Projected expenditures between 2/1/2014 & 2/16/2014 (excludes insurance): (\$200,000)
 - c. Amount to retain for personnel costs during staffing period: (\$660,000)
 - d. Amount to retain from transfer for invoice payments after effective date: (\$125,000)
 - e. Amount to retain for insurance through 2/16/2014 (50% of 3rd quarterly premium payment, not yet paid): (\$156,845)
 - f. Amount to retain for M/V Thomas Jefferson hull insurance only from 2/16/2014 through 6/30/2014: (\$37,662)
 - g. Amount to retain for M/V St. John or M/V Levy hull insurance from 2/16/2014 through 6/30/2014: (\$35,000)
 - h. All retained amounts are estimates only. DOTD will provide an accounting for expenditures after the effective date and any remaining balances at the end of the sixty (60) day period will be transferred to RTA.
2. Additional funds appropriated to DOTD in 2014 due to remaining balance in Geaux Pass Transition Fund, appropriated to DOTD after the initial subsidy transfer for Project Year 2.
3. Project Years 1 thru 10 funding were disbursed under Purchase Order #200071309.