

AMENDMENT TO THE GRANT AGREEMENT

1. AMENDMENT NO.: 1 **EFFECTIVE DATE:** See No.14 below

2. PROCUREMENT REQUEST NO.: [REDACTED]

3. AMENDMENT OF AGREEMENT NO.: [REDACTED]

4. ISSUED BY:
Federal Highway
Administration Office of
Acquisition and
Grants Management
1200 New Jersey Avenue, SE
HCFA-32, Mail Stop E62-204
Washington, DC 20590

5. NAME AND ADDRESS OF RECIPIENT:
Township of Toms River
33 Washington Street
Toms River, NJ 08753
DUNS: [REDACTED]
TIN: [REDACTED]

6. ACCOUNTING AND APPROPRIATION DATA (if required): N/A

7. DOLLAR AMOUNT OF AMENDMENT: \$0

8. DESCRIPTION OF AMENDMENT:

This amendment is issued to: 1) update the statement of work to reflect adjustments to the project on Page 4, Section 2.1; 2) update schedule milestones with actual and new planned dates on Page 4, Section 2.2; 3) update to reflect NEPA approval dates on Page 5, Section 2.6; 4) update to reflect the termination dates on Page 10, Section 8.1; 5) update the subawards and contracts information on Page 13, Section 11.1; 6) update the statement of work to reflect changes to the project on Page 19, Attachment "A"; 7) update the schedule milestones with actual and new planned dates on Page 20, Attachment "B"; 8) update the project budget with current estimates with each project activity on Page 21, Attachment "C"; and 9) update the study area and the data collection and reporting dates on Page 22, Attachment "D".

The Agreement is amended as follows (refer to page 2)

9. NAME AND TITLE OF SIGNER

11. NAME OF AGREEMENT OFFICER

10. RECIPIENT

**12. FEDERAL HIGHWAY
ADMINISTRATION**


(Signature of person authorized to sign)

(Signature of Agreement Officer)

13. DATE SIGNED: 2/7/23

14. DATE SIGNED: 2/7/2023

1. Page 4, **Section 2.1, Summary of Project's Statement of Work**, delete and replace with the following:

(See Attachment A for additional details).

The project will construct a series of roadway improvements, including a roundabout to replace conflicting intersections at the Exit 81 northbound ramp of the Garden State Parkway and a signalized intersection at Lakehurst Road and Highland Parkway, to create a two-way loop between the Garden State Parkway and waterfront business district, including elevating and reconstructing Herflicker Boulevard as a two-way street, upgrading Irons Street, Adafre Avenue, and Highland Parkway, and adding or improving traffic signalization and/or intersection design at three intersections (one additional signalized intersection and two modified intersections) along Herflicker Boulevard and Water Street.

2. Page 4, **Section 2.2, Summary of Project's Estimate Schedule**, delete and replace with the following:

(See Attachment B for additional details).

Actual Start of Preliminary Engineering:	September 21, 2021
Actual Completion of NEPA:	December 14, 2022
Planned Completion of Final Design:	July 31, 2023
Planned PS&E Approval:	September 15, 2023
Planned Construction Start Date:	January 15, 2024
Planned Construction Substantial Completion and Open to Traffic Date:	June 1, 2025
Period of Performance End Date:	August 1, 2025
Planned Project Closeout Date:	August 1, 2026

3. Page 5, **Section 2.6, Project's Environmental Approvals and Processes**, delete and replace with the following:

Environmental Documentation Type, Titles and Date:

It is anticipated that the level of environmental documentation will be a Categorical Exclusion and the planned approval date is January 15, 2023.

Environmental Decision Type and Date:

It is anticipated that the level of environmental documentation will be a Categorical Exclusion and the planned approval date is January 15, 2023.

Name of Agency and Office Approving each Environmental Decision Document:
FHWA New Jersey Division

4. Page 10, **Section 8.1, USDOT Termination**, delete and replace with the following:

- (a) The USDOT may terminate this agreement and all of its obligations under this agreement if any of the following occurs:
- (1) The Recipient fails to obtain or provide any non-BUILD Transportation Discretionary Grant contribution or alternatives approved by the USDOT as provided in this agreement and consistent with sections 2.2, 2.3, and 2.4;
 - (2) The Recipient fails to begin preliminary engineering before **November 21, 2021**;
 - (3) The Recipient fails to begin expenditure of award funds by **January 21, 2022**;
 - (4) The Recipient fails to achieve the Construction Substantial Completion and Open to Traffic Date by **December 1, 2025**;
 - (5) The Recipient fails to meet the conditions and obligations specified under this agreement, including a material failure to comply with the schedule in section 2.2 even if it is beyond the reasonable control of the Recipient; or,
 - (6) The USDOT determines that termination of this agreement is in the public interest.
- (b) In terminating this agreement under this section the USDOT may elect to consider only the interests of the USDOT.

5. Page 13, **Section 11.1, Subawards and Contracts**, delete and replace with the following:

- (a) The Recipient shall obtain prior written approval from the Agreement Officer (the “AO”) for the subaward, transfer, or contracting out of any work under this agreement.
- (b) Approval of a subaward or contract under this agreement is contingent upon a fair and reasonable price determination and AO approval of each proposed subrecipient and contractor.
- (c) The USDOT hereby approves the following subawards and contracts under this agreement:
Urban Engineers, Inc. (Prime Consultant)

6. Page 19, **ATTACHMENT A, STATEMENT OF WORK**, delete and replace with the following:

The project will construct a series of roadway improvements, including a roundabout to replace conflicting intersections at the Exit 81 northbound ramps of the Garden State Parkway, to create a two-way loop between the Garden State Parkway and waterfront business district, including elevating and reconstructing Herflicker Boulevard as a two-way street, upgrading Irons Street, Adafre Avenue, and Highland Parkway, and adding or improving traffic signalization three

intersections along Water Street and Herflicker Boulevard, with the signal at Lakehurst Road and Highland Parkway being replaced by the proposed roundabout.

Major Project Activities

Preliminary Engineering & NEPA

Final Design/PS&E Package Development

Construction

Herflicker Boulevard– Reconstruction and elevation of Herflicker Boulevard from Route 166 (Herflicker Boulevard bridge) to join with a section to be constructed by Ocean County between Adafre Street and Highland Parkway. This new road will provide a parallel two-way route to Water Street, which is currently the only direct connection between downtown Toms River and the Garden State Parkway at Exit 81. Based on preliminary Synchro modeling done in 2015, the new Herflicker Boulevard would allow for a two-way “loop” circulation pattern in combination with a roundabout to replace an existing signalized intersection and stop intersection at the Exit 81 northbound ramp and Highland Parkway, as well as intersection improvements at Water Street and Iron Street. The elevated Herflicker Boulevard will also act as an evacuation route to the Garden State Parkway in the event of a flood emergency.

Street Reconstruction – Upgrade transitional paving of Irons Street, and, if necessary, Adafre Avenue and Highland Parkway. The street network will need to be transitioned to the elevated and reconstructed Herflicker Boulevard in order to create a grid. The loop circulation pattern relies on the grid to accommodate the preferred circulation pattern that is expected to involve a combination of one-way and two-way streets.

Traffic Signalization – The full grid circulation system in the preferred concept will require new synchronized signalization at one intersection and modification of two other intersections, with a roundabout replacing the existing signal at the intersection of Highland Parkway, Lakehurst Road and the signed “stop” intersection of the northbound ramp of the Garden State Parkway at Exit 81 and Highland Parkway. Final determination of the number of intersections requiring signals or signal upgrades will be made prior to the Preliminary Engineering phase. These signals will be coordinated to assign an adoptive cycle length of 90 to 120 seconds based on the time of day, subject to final computer analysis by the Ocean County Engineer’s office during the Concept Development phase.

Construction Administration

7. Page 20, **ATTACHMENT B, ESTIMATED PROJECT SCHEDULE**, delete and replace with the following:

Actual Start of Preliminary Engineering: Sept. 21, 2021
Planned End of Preliminary Engineering: January 5, 2023
Planned Completion of NEPA: January 15, 2023
Planned Start of Final Design: January 15, 2023
Planned Completion of Final Design: July 31, 2023
Actual Start of Right of Way Acquisition: June 1, 2021
Planned End of Right of Way Acquisition: March 23, 2023
Planned PS&E Approval: September 15, 2023
Planned Construction Contract Award Date: December 31, 2023
Planned Construction Start Date: January 15, 2024

Major Project Activity	Planned Start Date	Planned End Date
Heflicker Boulevard & Irons Street	January 15, 2024	June 15, 2024
Street Reconstruction/Roundabout	June 15, 2024	March. 31, 2025
Traffic Signalization	January 15, 2024	April 4, 2025
Construction Administration	January 15 2024	June 1, 2025

Planned Construction Substantial Completion and Open to Traffic Date:

June 1, 2025

Period of Performance End Date:

August 1, 2025

Planned Project Closeout Date:

August 1, 2026

8. Page 21, ATTACHMENT C, ESTIMATED PROJECT BUDGET, delete and replace with the following:

Activity	FY 2018 BUILD Transportation Discretionary Grant Funds	Other Federal Funds	Match to Other Federal Funds	Local Funds ¹	State Funds	Other Funds	Project Cost
Preliminary Engineering & NEPA	\$544,703			\$0			\$544,703
Final Design/PS&E Package Development	\$290,000			\$0			\$290,000
Right of Way Acquisition	\$0			\$120,000			\$120,000
Hertlicker Boulevard	\$1,300,000			\$77,000			\$1,377,000
Street Reconstruction	\$1,125,297			\$157,703			\$1,283,000
Traffic Signalization	\$2,400,000			\$275,000			\$2,675,000
Construction Administration	\$0			\$912,000			\$912,000
Contingency	\$0			\$702,297			\$702,297
TOTAL	\$5,660,000			\$2,244,000			\$7,904,000

¹ The Township intends to fund the BUILD Grant local match of \$2,244,000 from the adoption of a bond ordinance (Capital Project) by the Township Council.

9. Pages 22-23, ATTACHMENT D, PERFORMANCE MEASUREMENT

TABLE, delete and replace with the following:

Study Area: The Study Area for performance measurement comprises an area of approximately 25 acres in Toms River Township, Ocean County, New Jersey. It is bounded by Main Street in South Toms River to the south, the Garden State Parkway to the west, West Water Street to the north and Main Street in Toms River to the east.

Pre-project Measurement Date: December 15, 2023

Pre-project Report Date: February 15, 2024

Project Outcomes Report Date: June 1, 2029

Table 1: Performance Measurement Table

Measure	Description and Category of Measure	Measurement Period	Reporting Period
Auto Crash Rates by Type	Safety Crash rates will be measured and reported as crashes per 100 million VMT and identified by the following severity categories: fatal, injury, and property-damage-only (PDO) crashes.	Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date Interim Performance Measures: Accurate as of June 1, 2026 June 1, 2027 June 1, 2028	Baseline Measurement: Pre-project Report Date Interim Performance Measures: For a period of 3 years, beginning August 1, 2026 August 1, 2027 August 1, 2028
Average Daily Traffic (ADT)	Economic Competitiveness The total volume of vehicle traffic on a highway or road segment per day as defined by the project study area.	Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date Interim Performance Measures: Accurate as of June 1, 2026 June 1, 2027 June 1, 2028	Baseline Measurement: Pre-project Report Date Interim Performance Measures: For a period of 3 years, beginning August 1, 2026 August 1, 2027 August 1, 2028

Measure	Description and Category of Measure	Measurement Period	Reporting Period
Travel Time Savings	Economic Competitiveness Travel time savings for traffic measured during peak and off-peak periods as defined by the project study area.	Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date Interim Performance Measures: Accurate as of June 1, 2026 June 1, 2027 June 1, 2028	Baseline Measurement: Pre-project Report Date Interim Performance Measures: For a period of 3 years, beginning August 1, 2026 August 1, 2027 August 1, 2028
Average Intersection Delay	Economic Competitiveness The measure assesses the time spent stopped in queue while waiting to pass through the intersection.	Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date Interim Performance Measures: Accurate as of June 1, 2026 June 1, 2027 June 1, 2028	Baseline Measurement: Pre-project Report Date Interim Performance Measures: For a period of 3 years, beginning August 1, 2026 August 1, 2027 August 1, 2028

Except as noted herein, all terms and conditions remain unchanged and in full force and effect.

END OF AMENDMENT