

**EXHIBIT "E"**

**SAFETEA-LU/HPP**

**Paragraph 3.02** is replaced by the following:

**3.02 Department Participation:** The Department agrees to a maximum participation, including contingencies, in the project in the amount of \$ \_\_\_\_\_, as detailed in Exhibit "B," and which may be increased as detailed in paragraph 3.08. The Agency agrees to bear any costs in excess of the total cost of the project and any deficits involved.

The following paragraphs are added to **Section 3.00** of the Agreement:

**3.08 SAFETEA-LU High Priority Projects (HPP):** The Agency acknowledges and agrees that funding for this FHWA earmark provided under the SAFETEA-LU Appropriations Act shall be reduced by the Department to account for federal rescissions, obligating authority limitations, and takedowns. Upon determination of the final amount allocated for the earmark, any remaining funding in excess of that which has been previously obligated with FHWA may be eligible for obligation with FHWA. If any additional funding is obligated with FHWA, the Department will issue a letter of authorization approving the additional federal funding. Furthermore, the Agency agrees to reimburse the Department any funding that the Department provided above and beyond what is actually provided by FHWA for the project.

**3.09 Project Budget:** A project budget shall be prepared by the Agency and approved by the Department. The Agency shall maintain said budget, carry out the project, and incur obligations against and make disbursements of project funds only in conformity with the latest approved budget for the project. No budget increase or decrease shall be effective unless it complies with fund participation requirements established in paragraph 3.08 of this Agreement.