

**U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION**

**GRANT AGREEMENT UNDER THE
FISCAL YEAR 2022 AMERICA'S MARINE HIGHWAY (AMH) PROGRAM**

MARAD FY 2022 AMH Grant No. 693JF72340010

70X1750S22	2025	1CC2340009	0000150000	41010	61006600	— \$2,065,243
702232AMHG	2025	1CC2340009	0000150000	41010	61006600	— \$3,484,757

This agreement is between the United States Department of Transportation Maritime Administration (“**MARAD**”) and the San Diego Unified Port District (the “**Recipient**”).

This agreement reflects the selection of the Recipient to receive an AMH Grant for the M-5 Coastal Connector.

The parties therefore agree to the following:

**ARTICLE 1
GENERAL TERMS AND CONDITIONS**

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Year 2022 America’s Marine Highway Program Grants,” dated April 24, 2025, which is available at <https://www.maritime.dot.gov/grants/federal-grant-assistance/federal-grant-assistance>. The General Terms and Conditions reference the information contained in the schedules to this agreement. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the AMH Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to MARAD the AMH Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

ARTICLE 2 SPECIAL TERMS AND CONDITIONS

1. Pursuant to the court’s preliminary injunction order in State of California v. Duffy, 1:25-cv-00208-JJM-PAS (D.R.I.) (June 19, 2025), USDOT will not impose or enforce the challenged immigration enforcement condition* or any materially similar terms and conditions, to any grant funds awarded, directly or indirectly, to Plaintiff States or local government entities within those States (collectively referred to as “Plaintiff State Entities”), or otherwise rescind, withhold, terminate, or take other adverse action, absent specific statutory authority, based on the challenged immigration enforcement condition while USDOT is subject to an injunction. USDOT will not require Plaintiff State Entities to make any certification or other representation related to compliance with the challenged immigration enforcement condition nor will USDOT construe acceptance of funding from USDOT as certification as to the challenged immigration enforcement condition.

*The challenged immigration enforcement condition:

“[T]he Recipient will cooperate with Federal officials in the enforcement of Federal law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in the enforcement of Federal immigration law.”

**SCHEDULE A
ADMINISTRATIVE INFORMATION**

1. Application.

Application Title: West Coast M-5 Coastal Connector Project

Application Date: June 16, 2022

2. Recipient's Unique Entity Identifier.

Recipient's Unique Entity Identifier: MN5GADR8B2D5

3. Recipient Contact(s).

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San Diego, CA 92101
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and

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and

Greg Borossay
Principal, Maritime Business Development
Port of San Diego
3165 Pacific Highway
San Diego, CA 92101
(619) 686-6242
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4. Recipient Key Personnel.

None.

5. MARAD Project Contact(s).

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W21-226
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6. Payment System.

MARAD Payment System: Delphi eInvoicing System

7. Office for Subaward and Contract Authorization.

MARAD Office for Subaward and Contract Authorization: None

8. Federal Award Identification Number.

Federal Award Identification Number: 693JF72340010

SCHEDULE B PROJECT ACTIVITIES

1. General Project Description.

The Project will fund infrastructure upgrades that will be deployed to handle cargo carried on a barge between the Pacific Northwest and Southern California. Funds will be used towards berth repairs at the Port of San Diego.

2. Statement of Work.

The proposed Project will fund structural repairs to Berth 24-11 by the Port of San Diego in the city of National City, California. The work will be completed under one component and will consist of the following:

- Removal and replacement of a concrete deck with dimensions of approximately 756' x 62' x 16"
- Connection of all existing piles to the new concrete deck
- Removal and replacement of a fender system
- Removal of unsound concrete prior to jacket Installation
- Structural reinforcement of piles through the installation of concrete structural or durability jackets
 - Installation of structural jackets on approximately two (2) piles
 - Installation of durability jackets on approximately thirty-five (35) piles
- Installation of a 24" catch basin with a new storm drain outlet
- Installation of storm drain modular bio-filtration systems

3. Documents Describing Mitigation Activities.

Document Description	Date
Finding of No Significant Impact (FONSI)	June 5, 2025
Section 106 Consultation Correspondence with the California Office of Historic Preservation (CASHPO): CASHPO requests they be notified, and further consultations carried out if any inadvertent discoveries are made during the course of the Project.	March 21, 2024

SCHEDULE C
AWARD DATES AND PROJECT SCHEDULE

1. Award Dates.

Budget Period End Date: December 30, 2027

Period of Performance End Date: December 30, 2027

2. Estimated Project Schedule.

Milestone	Schedule Date
Planned Berth Repairs Start Date	November 1, 2025
Planned Berth Repairs Substantial Completion Date:	March 30, 2027

3. Special Milestone Deadlines.

Milestone	Deadline Date
Marine Highway Service Start Date	December 31, 2026

SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION

1. Award Amount.

AMH Grant Amount: \$5,550,000

2. Federal Obligation Information.

Federal Obligation Type: Single

3. Approved Project Budget.

Eligible Project Costs	
	Total
AMH Funds:	\$5,550,000
Non-Federal Funds:	\$9,700,000
Total:	\$15,250,000

4. Cost Classification Table.

Cost Classification	Total Costs	Non-AMH Previously Incurred Costs	Eligible Costs
Construction	\$15,250,000		\$15,250,000
Project Total	\$15,250,000		\$15,250,000

5. Approved Pre-award Costs

None. MARAD has not approved under this award any pre-award costs under 2 CFR 200.458. Because unapproved costs incurred before the date of this agreement are not allowable costs under this award, MARAD will neither reimburse those costs under this award nor consider them as a non-Federal cost sharing contribution to this award. Costs incurred before the date of this agreement are allowable costs under this award only if approved in writing by MARAD before being included in the Project costs and documented in this section 5. See section 13.3(b) of the General Terms and Conditions.

SCHEDULE E CHANGES FROM APPLICATION

Scope: Per the application, the Recipient requested AMH funding to purchase a ramp, a top pick, and complete berth repairs to support the West Coats M-5 Coastal Connector Barge Service at the National City Marine Terminal (NCMT). USDOT approved only the Berth Repairs component for the Project, which subsequently reduced the Federal award from the originally requested amount. The Project scope of work now includes only the berth repairs component

Schedule: The application schedule was very aggressive and did not consider the actual award selection date or the time needed to complete the pre-award phase milestones necessary for grant agreement execution, such as the Federal NEPA review and approval. Therefore, the planned schedule shifted to allow time to complete all pre-award phase Federal requirements.

The table below compares the Project milestone dates.

Milestone	Application	Agreement
Planned Berth Repairs Start Date	July 1, 2023	November 1, 2025
Planned Berth Repairs Substantial Completion Date	September 30, 2024	March 30, 2027

Budget: Per the application, the Recipient requested \$8,000,000 in AMH funding to purchase a ramp, a top pick, and complete berth repairs to support the West Coats M-5 Coastal Connector Barge Service at the National City Marine Terminal (NCMT). The Recipient planned to contribute \$9,700,000 in non-Federal dollars in local match for a Project cost of \$17,700,000. Per the approved scope reduction upon award, USDOT awarded the Recipient a reduced amount, \$5,550,000, but the Recipient's non-Federal match remained the same at \$9,700,000 for a total project cost of \$15,250,000.

The table below provides a summary comparison of the Project budget.

Fund Source	Application		Schedule D	
	\$	%	\$	%
Previously Incurred Costs				
Federal Funds				
Non-Federal Funds				
Total Previously Incurred Costs				
Future Eligible Project Costs				
AMH Funds	\$8,000,000	45.2%	\$5,550,000	36.4%
Other Federal Funds				
Non-Federal Funds	\$9,700,000	54.8%	\$9,700,000	63.6%
Total Future Eligible Project Costs	\$17,700,000	100%	\$15,250,000	100%
Total Project Costs	\$17,700,000	100%	\$15,250,000	100%

Other: No other significant changes from application

SCHEDULE F
AMH PROGRAM DESIGNATIONS

1. Urban or Rural Designation.

Urban-Rural Designation: Urban

2. Capital or Planning Designation.

Capital-Planning Designation: Capital

3. Funding Act.

Funding Act: IIJA - \$3,484,757

FY2022 - \$2,065,243

SCHEDULE G
AMH PERFORMANCE MEASUREMENT INFORMATION

Study Area: Port of San Diego – National City Marine Terminal in San Diego Bay

Marine Highway Service: Between San Diego, CA, and Bellingham, WA.

Baseline Measurement Date: November 1, 2024 – October 31, 2025

Baseline Report Date: December 31, 2025

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
Freight Movements	Economic Competitiveness TEU movements over Project study area	Quarterly
Highway Mile Savings	Environmental Sustainability Savings calculated based on the elimination of highway miles that each container would have traveled on surface roads. ¹	Quarterly

¹ The Program Office will provide a spreadsheet with the formula needed to make the calculations.

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

SAN DIEGO UNIFIED PORT DISTRICT

_____	By: _____
Date	Signature of Recipient's Authorized Representative
	[insert name]

	Name
	[insert title]

	Title

MARAD SIGNATURE PAGE

MARAD, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION

_____	By: _____
Date	Signature of MARAD's Authorized Representative
	[insert name]

	Name
	[insert title]

	Title