

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

921 A



**FROM:** TLMA - Transportation Department


**SUBMITTAL DATE:**  
January 28, 2010

**SUBJECT:** Amendment No. 2 to the TUMF Funding Agreement between the County of Riverside Transportation Department (County) and the Riverside County Transportation Commission (RCTC) for State Route 79 Improvements, Thompson Road to Domenigoni Parkway (RCTC Agreement No. 06-72-521-02).

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the attached Amendment No. 2 to the TUMF Funding agreement between the County and RCTC, and;
2. Authorize the Chairman to execute the same.

**BACKGROUND:** On March 14, 2006 the Board approved a TUMF Funding agreement with RCTC to fund tasks for improvements to Winchester Road (SR-79) from Thompson Road to

  
\_\_\_\_\_  
Juan C. Perez  
Director of Transportation

BEC

(Continued on next page)

<b>FINANCIAL DATA</b>	<b>Current F.Y. Total Cost:</b>	\$ 4,326,000	<b>In Current Year Budget:</b>	Yes
	<b>Current F.Y. Net County Cost:</b>	\$ 0	<b>Budget Adjustment:</b>	No
	<b>Annual Net County Cost:</b>	\$ 0	<b>For Fiscal Year:</b>	2009/2010

<b>SOURCE OF FUNDS:</b> TUMF (100%)	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

  
Tina Grande

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel* 1-28-10  
DATE: Departmental Concurrence  
SYNTHIA M. GUNZEL

Policy  
 Policy

Consent  
 Consent

Dept's Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref. 3/14/06 (3.33) | District: 3 | Agenda Number:  
10/2/2007 (3.69)

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.54

The Honorable Board of Supervisors

RE: Amendment No. 2 to the TUMF Funding Agreement between the County of Riverside Transportation Department (County) and the Riverside County Transportation Commission (RCTC) for State Route 79 Improvements, Thompson Road to Domenigoni Parkway (RCTC Agreement No. 06-72-521-02).

January 28, 2010

Page 2 of 2

Domenigoni Parkway. On October 2, 2007 the Board approved Amendment No. 1 to the master TUMF agreement that increased the funding amount from \$2,000,000 to \$6,000,000. On October 14, 2009 RCTC's Board approved the attached agreement, which increases the TUMF funding amount by an additional \$4,326,000. The total funding amount proposed by this amended agreement is \$10,326,000.

The proposed project consists of widening SR-79 from Thompson Road to Domenigoni Parkway from two to four lanes, for approximately 8 miles. Winchester Road (SR-79) is a major north-south corridor in Southwest Riverside County. This project will improve travel through the corridor and ease congestion caused by the significant increase in traffic volume.

The environmental document was circulated for public comment on July 7, 2009 and the County expects final environmental documents approval by April 2010. Appraisals have been completed and property acquisition is currently underway. Construction is expected to begin in the Summer of 2010 for the first phase of this project which is anticipated to be between Domenigoni Parkway and Scott Road, which requires fewer right-of-way acquisitions. The Transportation Department is continuing to work with RCTC to secure additional funding for this project. There are approximately \$20 million in Federal funds for this project that will make it possible to deliver these significant improvements, but has added substantially to the delivery schedule in order to comply with Federal requirements.

Project No. B40527

**AMENDMENT NO. 2  
TO  
AGREEMENT FOR THE FUNDING OF TUMF REGIONAL ARTERIAL  
IMPROVEMENTS WITH THE COUNTY OF RIVERSIDE**

1. PARTIES AND DATE

This Amendment No. 2 to Agreement No. 06-72-521-00 is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the RIVERSIDE COUNTY TRANSPORTATION COMMISSION ("Commission") and the County of Riverside ("County").

2. RECITALS

- 2.1 The Commission and the County have entered into an agreement entitled "Agreement for the Funding of TUMF Regional Arterial Improvements with the County of Riverside" dated March 14, 2006 (the "Master Agreement"). The Master Agreement provides the terms and conditions, scope of work, schedule and funding amount for the PA&ED and PS&E phases related to the State Route 79 Improvements, from Thompson Road to Domenigoni Parkway (hereinafter the "Project"). The Project is more specifically described in Exhibit "B" of the Master Agreement.
- 2.2 The Commission and the County have entered into an Amendment No. 1 to the Master Agreement, dated October 24, 2007, for the purpose of providing construction funding for the first phase of the Project, which generally included widening of State Route 79 from Thompson Road to Whisper Heights Parkway.
- 2.3 The parties now desire to amend the Master Agreement in order to increase the Funding Amount set forth in Section 3.2 of the Master Agreement to provide funding for the right of way phase of work for the Project and to suspend the performance of Agreement No. 06-72-523-00 entitled "Agreement for the Funding of TUMF Regional Arterial Improvements with the County of Riverside (Eastern Bypass/I-15 Interchange)" dated January 24, 2006 and Agreement No. 06-72-525-00 entitled "Agreement for the Funding of TUMF Regional Arterial Improvements with the County of Riverside Eastern Bypass (Auld Road to Interstate 15)" dated January 24,

2006 (together, "Suspended Agreements"). The Suspended Agreements were entered into between the Commission and the County.

### 3. TERMS

- 3.1 The Recitals set forth above are true and correct and are incorporated into this Amendment by this reference, as though fully set forth herein.
- 3.2 The Funding Amount, as set forth in Section 3.2 of the Master Agreement, shall be increased from Six Million Dollars and No Cents (\$6,000,000) to Ten Million Three Hundred Twenty-Six Thousand Dollars and No Cents (\$10,326,000). The increase in the Funding Amount is for the purpose of providing funding for the right of way phase of the Project.
- 3.3 The funding allocations identified in Exhibit "A" of the Master Agreement shall be replaced by the funding allocations identified in Exhibit "A" attached to this Amendment and incorporated herein by reference. The Funding Amount shall be used as specified in the attached Exhibit "A" and in accordance with the terms of the Master Agreement.
- 3.4 The Project shall be completed expeditiously, within the term of the Master Agreement.
- 3.5 As of October 14, 2009, all work done in accordance with the Suspended Agreements shall cease until such time as the parties of the Suspended Agreements agree otherwise in writing. Also, the County shall not incur any further costs under the Suspended Agreements as of October 14, 2009, and the Commission shall not reimburse any further costs incurred under the Suspended Agreements as of October 14, 2009 until such time as the parties of the Suspended Agreements agree otherwise in writing. However, if there are any costs incurred prior to October 14, 2009 by the County that are reimbursable under the Suspended Agreements, and they have not yet been reimbursed by the Commission but are still eligible for reimbursement, the County will have sixty (60) days from the date of this Amendment to submit requests for reimbursement in accordance with the Suspended Agreements. If the County performs any work in accordance with the Suspended Agreements after October 14, 2009 in conflict with this Amendment, all risk, responsibility and cost associated with such work shall be borne solely by the County.
- 3.6 Except as amended by this Amendment, all provisions of the Master Agreement, as amended by Amendment No. 1, including without limitation

the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the parties under this Amendment.

**[Signatures on following page]**

**SIGNATURE PAGE  
TO  
AGREEMENT NO. 06-72-521-02**

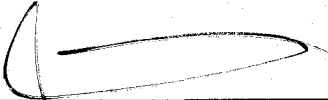
**IN WITNESS WHEREOF**, the parties hereto have executed the Agreement on the date first herein above written.

**Riverside County Transportation  
Commission**

**County of Riverside**

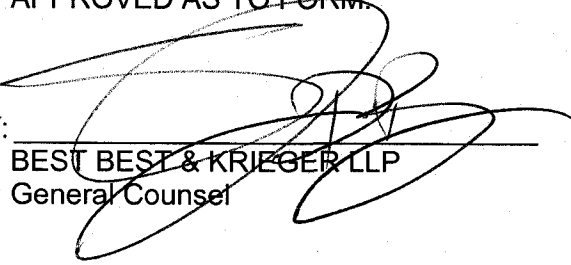
**RECOMMENDED FOR APPROVAL**

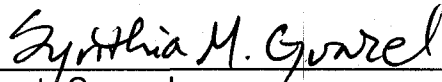
BY: \_\_\_\_\_  
Robert E. Magee, Chair

BY:  \_\_\_\_\_  
JUAN C. PEREZ  
Director of Transportation

APPROVED AS TO FORM:

APPROVED AS TO FORM:

BY:  \_\_\_\_\_  
BEST BEST & KRIEGER LLP  
General Counsel

BY:  \_\_\_\_\_  
Deputy County Counsel  
Cynthia M. Gunzel

APPROVAL BY THE BOARD OF  
SUPERVISORS

BY: \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME  
Chairman, Riverside County Board of  
Supervisors

ATTEST:

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

## EXHIBIT "A"

**FUNDING:** Identify TUMF, local, state and/or federal funding for each Phase of Work. Delete those Phases which are not part of this Agreement.

PHASE	TUMF	LOCAL *	TOTAL
PA&ED	\$1,000,000	\$750,000	\$1,750,000
PS&E	\$1,000,000	\$250,000	\$1,250,000
RIGHT OF WAY	\$4,326,000		\$4,326,000
CONSTRUCTION	\$4,000,000		\$4,000,000
TOTAL	\$10,326,000	\$1,000,000	\$11,326,000

\* Local funding identified in the table above is intended to show the current estimates for the total cost of the work and does not constitute a local match percentage requirement and does not preclude the County from requesting and receiving additional TUMF funds which may become available for these phases of work through Nexus Study Updates and TUMF Fee increases.

Exhibit A