

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

409



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
July 18, 2013

SUBJECT: Amendment Number 1 to the Cooperative Funding Agreement between the County of Riverside (County) and Coachella Valley Association of Governments (CVAG) for the proposed Avenue 56 (Airport Boulevard) Railroad Grade Separation Project

RECOMMENDED MOTION: That the Board of Supervisors (Board):

1. Approve Amendment Number 1 to the Cooperative Funding Agreement between the County and CVAG for the proposed Avenue 56 (Airport Boulevard) Railroad Grade Separation Project; and
2. Authorize the Chairman to execute the same.

BACKGROUND:

Avenue 56 is designated in the Riverside County General Plan as a six-lane urban arterial highway that serves the Thermal community of eastern Riverside County, the City of Coachella,

Juan C. Perez
Director of Transportation and Land Management

CSS:css
(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 4,884,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	No
	Annual Net County Cost:	\$	For Fiscal Year:	2013/2014

SOURCE OF FUNDS: TUMF (CVAG 100%) Project No. A6-0241

There are no General Funds used in this project.

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY:
MARSHA L. VICTOR
DATE: 7/24/13

Departmental Concurrence

Dept's Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 8/31/10, Item 3-82; 2/1/11, Item 3-5; 4/2/13, Item 3-15 | **District:** 4/4 | **Agenda Number:**

3-96

The Honorable Board of Supervisors

RE: Amendment Number 1 to the Cooperative Funding Agreement between the County of Riverside (County) and Coachella Valley Association of Governments (CVAG) for the proposed Avenue 56 (Airport Boulevard) Railroad Grade Separation Project

July 18, 2013

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and the City of La Quinta while providing direct access from State Route 86 (SR-86) and Grapefruit Boulevard (SH-111) to the Jacqueline Cochran Regional Airport. A Union Pacific Railroad (UPRR) at-grade crossing currently exists on Avenue 56 just south of the City of Coachella, paralleling SR-86. UPRR and SR-86 are both designated North American Free Trade Agreement (NAFTA) freight corridors. Currently 71 freight trains pass through Riverside County on this line on a daily basis with the number projected to increase to 107 by the year 2030.

The proposed project will separate surface street traffic from rail lines on Avenue 56 where it currently crosses UPRR mainline tracks at-grade, providing the following benefits to the public:

- Increased public safety due to elimination of train and vehicle conflicts
- Emergency vehicle response will be improved at the crossing
- Reduced delay of freight movement on SR-86 and UPRR NAFTA corridors
- Contribute towards achieving uninterrupted freight movement along the ultimate Alameda Corridor East (ACE)
- Reduction of particulate matter from idling vehicles, causing a reduction in greenhouse gas emissions
- Reduced train noise

On June 11, 2013, the California Transportation Commission (CTC) allocated \$15,066,000 from the State's Proposition 1B Bonds Goods Movement Program administered through Transportation Corridor Improvement Funds (TCIF) for the Avenue 56 Grade Separation Project. A Project Baseline Agreement with the CTC, identifying the scope and cost of the project, was approved by the Board on July 29, 2008, and was amended on April 2, 2013, under Agenda Item 3-15.

The County has been designated as the lead agency to implement the proposed project. On August 31, 2010 (Agenda Item 3-82), the Board approved a Cooperative Funding Agreement with CVAG that authorized \$10 million in project funding towards the expenses incurred with the implementation of the improvements in accordance with CVAG funding policy practices. The project has now been environmentally cleared, engineered plans have been prepared, and right-of-way acquisition efforts are in progress. It has been determined that the cost to construct the proposed improvements will exceed the cost estimate in the original agreement. This amendment provides for an additional \$4,884,000 in funding for the additional expected cost of construction.

In addition to the Proposition 1B Bond funding and the CVAG funding, on February 1, 2011 (Agenda Item 3-5), the Board approved a funding agreement with the Redevelopment Agency that authorized \$4 million in project funding.

Construction is anticipated to begin in January 2014.

AMENDMENT NUMBER ONE
to the
Reimbursement Agreement
by and between
CVAG and the County of Riverside
for the
Avenue 56 (Airport Boulevard) Grade Separation Project

This **AMENDMENT NUMBER ONE** is made and entered into this 29th day of April, 2013, by and between the **Coachella Valley Association of Governments**, a California joint powers agency (**CVAG**), and the **County of Riverside (Lead Agency)**, and is made with reference to the following background facts and circumstances. All other provisions in the existing Reimbursement Agreement for the **Avenue 56 (Airport Boulevard) Grade Separation Project**, remain in force.

The original Reimbursement Agreement provided:
It is the agreement between CVAG and Agency that, of the total estimated cost of the Project, \$22,218,043, CVAG shall pay the not-to-exceed Regional Share amount of \$10,000,000 (Ten Million Dollars), and Agency shall pay its remaining Local Share of project costs, as well as one hundred percent (100%) of all costs not eligible for reimbursement by CVAG.

This Amendment Number One authorizes additional CVAG regional funds in the amount not to exceed \$4,884,000, with conditions as authorized by CVAG's Cash Flow Preservation Policy.

This Amendment Number One confirms that all submitted payment requests must be eligible for reimbursement by CVAG as outlined in the CVAG Policies and Procedures Manual for the Regional Arterial Program.

Summary

The breakdown of costs upon approval of Amendment Number One to the Reimbursement Agreement by and between CVAG and the County of Riverside for the Avenue 56 (Airport Boulevard) Grade Separation Project will become:

CVAG	\$14.884 million
Riverside County	\$ 5.628 million
TCIF	<u>\$10.000 million</u>
Total Project Cost	\$30.512 million

Amendment Number One shall also provide that if construction has not begun on the Avenue 56 Grade Separation Project prior to the deadline (currently December 31, 2013), as defined under the conditions of the Trade Corridors Improvement Funds (TCIF) grant program, funds included in this Amendment Number One shall be subject to repayment over a continuous Five-Year period as established by CVAG, and all funds will accrue interest at the rate set for the Local Agency Investment Fund (LAIF), as determined on July 1st of each year.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment Number One to the Reimbursement Agreement by and between CVAG and the County of Riverside for the Avenue 56 (Airport Boulevard) Grade Separation Project to be executed by their duly authorized representatives on this date:

ATTEST:

COUNTY OF RIVERSIDE

By: _____

Clerk to the Board

By: _____

Chairman,
Board of Supervisors

ATTEST:

CVAG

By: _____

Tom Kirk,
Executive Director

By: Joseph De Coninck
Joseph De Coninck
CVAG Chair

FORM APPROVED COUNTY COUNSEL
BY: Marshall Victor 7/24/13
MARSHAL VICTOR DATE