

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 6/15

Departmental Concurrence

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

229
A



FROM: TLMA – Transportation Department

SUBMITTAL DATE:
 May 20, 2015

SUBJECT: Amendment No. 1 to the Agreement between the County of Riverside and the Riverside County Transportation Commission for Measure “A” Economic Development Incentive Program Funds with the County of Riverside Moving Remaining Unspent Funds from the Van Buren Boulevard/Interstate 215 Interchange to the Clay Street Grade Separation Project. 2nd District; [\$10,000,000]; Riverside County Transportation Commission Measure A Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached “Amendment No. 1 to Agreement for Measure “A” Economic Incentives Program Funds with County of Riverside for Interstate 215/Van Buren Interchange and to Include Clay Street Grade Separation Project”; and
2. Authorize the Chairman of the Board to execute the same.

Patricia Romo

Patricia Romo
 Assistant Director of Transportation

Juan C. Perez

Juan C. Perez
 Director of Transportation and Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 8,343,000	\$ 1,657,000	\$ 10,000,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Riverside County Transportation Commission (RCTC) Measure A funds 100%. There are no General Funds used in this project. **Budget Adjustment:** No
For Fiscal Year: 14/15 & 15/16

C.E.O. RECOMMENDATION:

APPROVE
 BY: *Tina Grande*
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 09/29/09, Item 3-81;
 05/21/13, Item 3-18; 06/18/13, Item 3-60

District: 2

Agenda Number:

3-53

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Amendment No. 1 to the Agreement between the County of Riverside and the Riverside County Transportation Commission for Measure "A" Economic Development Incentive Program Funds with the County of Riverside Moving Remaining Unspent Funds from the Van Buren Boulevard/Interstate 215 Interchange to the Clay Street Grade Separation Project. 2nd District; [\$10,000,000]; Riverside County Transportation Commission Measure A Funds 100%

DATE: May 20, 2015

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BACKGROUND:

Summary

Clay Street is a four-lane major highway that connects Limonite Avenue to the north and Van Buren Boulevard to the south. A Union Pacific Railroad (UPRR) at-grade crossing currently exists on Clay Street just east of Van Buren Boulevard in the Indian Hills area of Riverside County (County).

The project will grade separate Clay Street as an underpass (depressed roadway) beneath a proposed railroad bridge structure that will maintain the UPRR mainline track at the current grade. This grade separation project will improve vehicular traffic circulation and safety and will provide uninterrupted and efficient access for motorists, residents, businesses, pedestrians, and emergency vehicles in the area. Additionally, the project will also enhance the operational characteristics (i.e. speed, efficiency, and reliability) of freight and passenger trains through the County by eliminating conflicts between railroad operations and vehicular traffic.

On May 21, 2013 (Agenda Item 3-18), the Board of Supervisors approved a Utility Agreement in the amount of \$1,900,000 with the Jurupa Community Services District (JCSD) for the relocation of sewer facilities.

On June 18, 2013 (Agenda Item 3-60), the Board of Supervisors approved a Utility Agreement in the amount of \$1,019,200 with the Southern California Gas Company (SCGC) for the relocation of gas transmission pipeline facilities.

Both utility agreements provide for compensating the utility companies for the relocation of their facilities for which they enjoy superior rights and were in conflict with the Clay Street Grade Separation improvements. The compensation approved by the Board of Supervisors in each of these agreements was based on estimates provided by the respective utility companies prior to the competitive public bidding process. The terms of the agreements require that the utility companies be compensated for actual costs regardless of the estimate. Both utility companies have informed the Transportation Department that the actual costs incurred have exceeded the estimates they provided.

Subsequent to the execution of the JCSD agreement, costs for the relocation work increased due primarily to federal purchasing requirements and the redesign of the water pipeline relocation plans that were necessary to avoid impacts to a private property.

Subsequent to the execution of the SCGC agreement, costs for the relocation work increased due to federal purchasing requirements and unanticipated subsurface conflicts, which required that protective casing be used on the new pipeline.

In addition to increased utility costs, property acquisition settlements for the Clay Street project exceeded the approved right-of-way funding, resulting in higher than anticipated right-of-way costs.

	<u>Original Budget</u>	<u>Revised Budget</u>
JCSD	\$1,900,000	\$ 2,700,000
Southern California Gas	\$1,019,200	\$ 2,607,159
Right-of-Way Budget	<u>\$5,000,000</u>	<u>\$ 5,885,000</u>
Total	\$7,919,200	\$11,192,159
 Total Increase	 \$3,272,959	

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Amendment No. 1 to the Agreement between the County of Riverside and the Riverside County Transportation Commission for Measure "A" Economic Development Incentive Program Funds with the County of Riverside Moving Remaining Unspent Funds from the Van Buren Boulevard/Interstate 215 Interchange to the Clay Street Grade Separation Project. 2nd District; [\$10,000,000]; Riverside County Transportation Commission Measure A Funds 100%

DATE: May 20, 2015

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On September 29, 2009 (Agenda Item 3-81), the Board of Supervisors approved a funding agreement between the Riverside County Transportation Commission (RCTC) and the County for funding the Van Buren Boulevard/Interstate 215 (I-215) Interchange Modification Project. The parties to this agreement now desire to de-obligate the excess Van Buren Boulevard project funds and reallocate these unspent funds to the Clay Street Grade Separation Project.

On September 10, 2014, RCTC approved the de-obligation of \$2,432,000 in 2009 Measure "A" Economic Development Incentive Program funds from the Van Buren Boulevard project and the reallocation of such funds to the Clay Street Grade Separation Project.

On December 10, 2014, RCTC approved the additional de-obligation of \$1,021,000 in 2009 Measure "A" Economic Development Incentive Program funds from the Van Buren Boulevard project and the reallocation of such funds to the Clay Street Grade Separation Project. The Commission's actions included the approval of this Amendment No. 1 to the Van Buren Boulevard funding agreement.

This Amendment No. 1 will provide an additional \$3,453,000 for the construction of the Clay Street Grade Separation Project that will be used to fund unanticipated construction costs, including the additional utility and right-of-way work.

Project No. B7-0798 – Van Buren Boulevard/I-215 Interchange Project

Project No. B7-0753 – Clay Street Grade Separation Project

Impact on Residents and Businesses

The Clay Street Grade Separation Project will improve vehicular traffic circulation and safety and will provide uninterrupted and efficient access for motorists, residents, businesses, pedestrians, and emergency vehicles in the area. Additionally, the project will also enhance the operational characteristics (i.e. speed, efficiency, and reliability) of freight and passenger trains through the County by eliminating conflicts between railroad operations and vehicular traffic.

SUPPLEMENTAL:

Additional Fiscal Information

The September 29, 2009, agreement provided for \$10,000,000 in Measure "A" Economic Development Incentives Program funds for expenses anticipated for the Van Buren Boulevard interchange improvements. The actual costs have been determined to be less than the amount allocated. The parties to this agreement now desire to de-obligate the excess Van Buren Boulevard project funds and reallocate those funds to the Clay Street Grade Separation Project. This Amendment No. 1 will provide an additional \$3,453,000 for the construction of the Clay Street Grade Separation Project that will be used to fund unanticipated construction costs, including the additional utility and right-of-way work.

Contract History and Price Reasonableness

JCSD and SCGC both enjoy superior rights to the County road right-of-way and are, therefore, entitled to full reimbursement per the terms of each agreement.

**AMENDMENT NO. 1 TO AGREEMENT
FOR MEASURE A ECONOMIC INCENTIVES PROGRAM FUNDS
WITH COUNTY OF RIVERSIDE
FOR INTERSTATE 215/VAN BUREN INTERCHANGE
AND TO INCLUDE CLAY STREET GRADE SEPARATION PROJECT**

1. PARTIES AND DATE

This Amendment No. 1 to the Agreement for Measure A Economic Incentives Program Funds is made and entered into as of this _____ day of _____, 2015, 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 dated September 29, 2009 (the "Master Agreement") for the purpose of distributing Funds to the County for the design and construction of the Van Buren/I-215 Interchange Expansion Project (the "Van Buren Project").
- 2.2 On September 10, 2014, the Commission approved the de-obligation of Two Million, Four Hundred Thirty-Two Thousand Dollars (\$2,432,000) in 2009 Measure A Western County Economic Development Funds from the Van Buren Project, and the reallocation of such funds to the County's Clay Street Grade Separation Project ("Clay Street Project").
- 2.3 On December 10, 2014, the Commission approved the de-obligation of One Million, Twenty-One Thousand Dollars (\$1,021,000) in 2009 Measure A Western County Economic Development Funds from the Van Buren Project, and the reallocation of such funds to the Clay Street Project.
- 2.4 The Parties now desire to amend the Master Agreement in order add the Clay Street Project to the definition of "Work", as that term is used in the Master Agreement, and to reallocate an excess of funding from the Van Buren Project to the Clay Street Project.

3. TERMS

- 3.1 The Work, as that term is defined in Section 3.1 of the Master Agreement, is hereby amended to include design and construction of the Clay Street Project. The Clay Street Project is further described in Exhibit "A" attached to this Amendment No. 1 and incorporated herein by reference.
- 3.2 Exhibit "A" of the Master Agreement is hereby replaced and superseded by Exhibit "A" attached to this Amendment No. 1.
- 3.3 The Funding Amount, as that term is defined in Section 3.2 of the Master Agreement, shall be allocated for the Van Buren Project and the Clay Street Project as follows, as further specified in the attached Exhibit "A":
- (A) Van Buren Project: \$6,547,000.
 - (B) Clay Street Project: \$3,453,000.
- 3.4 The recitals set forth above are true and correct and are incorporated into this Amendment No. 1 as though fully set forth herein.
- 3.5 Except as amended by this Amendment No. 1, all provisions of the Master Agreement, 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 No. 1.

[Signatures on following page]

**SIGNATURE PAGE
TO
AGREEMENT NO. 08-31-124-01**

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

**RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

COUNTY OF RIVERSIDE

By: _____
Daryl R. Busch, Chair

By: _____
Signature

Name

Title

ATTEST:

By: _____
Clerk of the Board

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: 

Best Best & Krieger LLP
Counsel to the Riverside County
Transportation Commission

By:  6/1/15

County Counsel

Agreement No. 08-31-124-01

**Exhibit "A"
Scope of Work**

I-215/Van Buren Interchange Project

The County of Riverside is the lead agency designing and constructing an interchange at I-215/Van Buren. The proposed interchange reconstruction will widen Van Buren Blvd., to accommodate future traffic demand. Van Buren Blvd. will be extended to the east, and then to the south along March Air Reserve Base to accommodate the new interchange configuration. \$10,000,000 in Measure A Economic Development funds was allocated by Commission action for this project, however, by Commission Board action as detailed below, \$3,453,000 was reallocated to the Clay Street Grade Separation Project.

Dollar Amount Allocated/Deallocated	Commission Approval	Project	Total
\$10,000,000	June 11, 2008	I-215/Van Buren	\$10,000,000
(\$2,432,000)	September 10, 2014	Clay Street	(\$2,432,000)
(\$1,021,000)	December 10, 2014	Clay Street	(\$1,021,000)
TOTAL REMAINING ON I-215/VAN BUREN PROJECT:			\$6,547,000

Clay Street Grade Separation Project

The County of Riverside is serving as the lead agency to design and construct a grade separation at Clay Street located within the city of Jurupa Valley at Union Pacific Railroad between Van Buren Blvd. and Limonite. The total estimated project cost, as of December 10, 2014, is \$35,899,000. Once completed, the project will eliminate conflicts between vehicles and trains providing efficient, reliable and uninterrupted freight and vehicular movement.

Dollar Amount Allocated	Commission Approval	Total
\$2,432,000	September 10, 2014	\$2,432,000
\$1,021,000	December 10, 2014	\$1,021,000
TOTAL:		\$3,453,000