

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

421 A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:

January 12, 2011

SUBJECT: Amendment No. 1 to Agreement for Transportation Development Act (TDA) Funding with Riverside County Transportation Commission (RCTC) for the Magnolia Avenue Grade Separation Project

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the subject Amendment to the TDA Funding Agreement between RCTC and the County, and authorize the Chairman to execute the same.
2. Authorize the Director of Transportation to approve future administrative amendments to this Agreement.

BACKGROUND: The Transportation Department is working on various railroad grade separation projects. In 2008, RCTC and the County entered into a Master Agreement for TDA funding, which

Juan C. Perez
Director of Transportation

JCP:gh
(Continued On Attached Page)

FORM APPROVED COUNTY COUNSEL
BY: Marsha L. Victor 1/24/11 DATE

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 1,430,319	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/2011

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

C.E.O. RECOMMENDATION: APPROVE

BY: Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: February 8, 2011
 xc: Transp.

Kecia Harper-Ihem
 Clerk of the Board
 By: Deputy

Prev. Agn. Ref. 4/22/08, Item 3.27 | **District:** 2 | **Agenda Number:**

3.38

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

The Honorable Board of Supervisors

RE: Amendment No. 1 to Agreement for Transportation Development Act (TDA) Funding with Riverside County Transportation Commission (RCTC) for the Magnolia Avenue Grade Separation Project

January 12, 2011

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included partial funding for preliminary engineering work for the Bellegrave Avenue and Center Street grade separation projects. The Magnolia Avenue grade separation project was approved for \$13.7 million in State Proposition 1B Trade Corridor Improvement Fund (TCIF) funds in 2008 with a construction obligation deadline of December 31, 2013. Due to over programming of TCIF resources, the goal is to begin project construction in 2012, to help ensure that Proposition 1B funds will be available. The Magnolia Avenue grade separation project is currently in the environmental clearance phase with approval scheduled in early 2011.

The proposed Magnolia Avenue Grade Separation Project would construct a grade separation over the Burlington Northern Santa Fe (BNSF) Railroad tracks between Lincoln Street and Buchanan Street in the Home Gardens area, thereby eliminating conflicts between vehicular and train traffic. This grade separation would also improve air quality, emergency response time, vehicle safety, and traffic circulation.

Recently, the County submitted a grant application for the California Public Utilities Commission (CPUC) Section 190 program for Magnolia Avenue. The project competed well and is one of the highest priority projects in the CPUC priority list for FY 2010/11 statewide completion, as well as one of the top priority projects in Riverside County.

We are in need of some additional funding to complete the engineering and environmental work on Magnolia to be able to deliver this project and leverage the State construction funds. The Bellegrave and Center Street projects are at a very preliminary stage and there is only limited funding available at this time for planning and engineering work. As a result, RCTC has approved a request by the Transportation Department to reallocate the remaining TDA funds on Bellegrave Avenue and Center Street to the Magnolia Avenue Grade Separation Project to help fully fund and deliver that project.

The Bellegrave Avenue and Center Street grade separation projects remain important projects for the County. We will look for other funding opportunities to replace this funding shift.

By this Amendment, RCTC intends to distribute TDA Funds to the County in the amount of \$1,430,319 for reimbursement of eligible expenses for the Magnolia Avenue Grade Separation Project.

Project Number: B70784

Contract No. 08-03-010 A1
Riverside Co. Transportation

Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

Agreement No. 08-33-013-01

**AMENDMENT NO. 1 TO
AGREEMENT FOR TRANSPORTATION DEVELOPMENT ACT FUNDING FOR
GRADE SEPARATION PLANNING AND DESIGN WORK WITH THE COUNTY OF
RIVERSIDE**

1. PARTIES AND DATE

This Amendment No. 1 to the Agreement for Transportation Development Act Funding for Grade Separation Planning and Design Work for the County of Riverside is made and entered into as of this 24th day of Feb., 2011, by and between the RIVERSIDE COUNTY TRANSPORTATION COMMISSION ("RCTC") and COUNTY OF RIVERSIDE ("County"). RCTC and County are sometimes collectively referred to herein as the "Parties".

2. RECITALS

- 2.1 The Parties have entered into an agreement dated September 1, 2007 for the purpose of distributing Transportation Development Act Funds to the County for grade separation projects (the "Master Agreement").
- 2.2 The parties now desire to amend the Master Agreement in order to add the Magnolia Avenue grade separation project ("Magnolia Avenue Project") to the project list and reallocate funding from the Bellegrave Avenue and Center Street projects to the Magnolia Avenue Project.

3. TERMS

- 3.1 The Master Agreement is hereby amended to reallocate Nine Hundred Thirty Thousand Three Hundred Nineteen Dollars (\$930,319) in funding from the Bellegrave Avenue project and Five Hundred Thousand Dollars (\$500,000) in funding from the Center Street project to the Magnolia Avenue Project. The total Western Riverside County Commuter Rail Local Transportation Fund ("LTF") for the Magnolia Avenue Project shall be One Million Four Hundred Thirty Thousand Three Hundred Nineteen Dollars (\$1,430,319).

- 3.2 The Master Agreement is hereby further amended to add the Magnolia Avenue Project to the grade separation project list included as part of the Master Agreement, and to delete the Bellegrave Avenue and Center Street projects from said list.
- 3.3 Funds allocated to the Magnolia Avenue Project under this Amendment No. 1 shall be used for the completion of the final design for this project, and shall serve as the local match to the County's grant application for the California Public Utilities Commission ("CPUC") Section 190 program.
- 3.4 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.


[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE TO
AGREEMENT NO. 08-33-013-01**

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

**RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

By: 
Greg Pettis, Chair


APPROVED AS TO FORM
By: 
Best Best & Krieger
General Counsel

COUNTY OF RIVERSIDE



Signature

BOB BUSTER
Name

CHAIRMAN, BOARD OF SUPERVISORS

Title **ATTEST:**
KECIA HARPER-IHEM, Clerk
By: 
DEPUTY

APPROVED AS TO FORM

By: 
Title: Principal Deputy