

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

632
A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
February 15, 2011

SUBJECT: Amendment Number 1 to the Measure A 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. 10-72-035-01, Amendment No. 1 to Agreement No. 10-72-035-00).

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Amendment Number 1 to the Measure A Funding agreement between the County and RCTC, and;
2. Authorize the Chairman to execute the same.

Juan C. Perez
Director of Transportation

Departmental Concurrence

(Continued on next page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 5,000,000	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: Measure A (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

FORM APPROVED COUNTY COUNSEL
BY: MARSHA L. VICTOR
DATE: 2/14/11

Dept's Recomm.: Policy Consent

Per Exec. Ofc.: Policy Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: March 1, 2011
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By: Deputy

Prev. Agn. Ref. 03/23/10, Item 3.39 | **District:** 3 | **Agenda Number:**

3.31

The Honorable Board of Supervisors

RE: Amendment Number 1 to the Measure A 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. 10-72-035-01, Amendment No. 1 to Agreement No. 10-72-035-00)

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BACKGROUND: 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 project environmental document was approved on December 28, 2010

This amendment to the agreement between the Riverside County Transportation Commission (RCTC) and the County of Riverside, will commit an additional \$5,000,000 to the already approved \$2,100,000 for a total of \$7,100,000 in Measure A funds for right of way costs.

Appraisals have been completed and property acquisition is currently underway. The project has been split into two phases to expedite construction. Phase 1 will consist of widening Winchester Road from Scott Road to Domenigoni Parkway and is scheduled for construction in the summer of 2011. This will allow construction to commence while additional property negotiations and acquisitions take place for Phase 2. Phase 2 widening from Thompson Road to Scott Road is anticipated to begin construction in the fall of 2011, subject to the timing of the successful conclusion of the outstanding right-of-way negotiations. Construction should progress seamlessly between the two phases given the current schedule.

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. 1
TO
RIVERSIDE COUNTY TRANSPORTATION COMMISSION MEASURE A FUNDING
AGREEMENT WITH COUNTY OF RIVERSIDE
FOR
THE STATE ROUTE 79 IMPROVEMENT PROJECT
BETWEEN
THOMPSON ROAD AND DOMENIGONI PARKWAY**

1. PARTIES AND DATE

This Amendment No. 1 to Agreement No. 10-72-035-00 is made and entered into as of this 14th day of March, 2011, ~~2011~~, by and between the RIVERSIDE COUNTY TRANSPORTATION COMMISSION ("RCTC") and THE COUNTY OF RIVERSIDE ("County").

2. RECITALS

- 2.1 The RCTC and the County have entered into an agreement entitled "Measure A Funding Agreement With County Of Riverside For The State Route 79 Improvement Project Between Thompson Road And Domenigoni Parkway" dated March 23, 2010 ("Master Agreement"). The Master Agreement provides the terms and conditions, scope of work, schedule and funding amount for the **Right of Way** related to the **widening of State Route 79, from Thompson Road to Domenigoni Parkway** ("Project"). The Project is more specifically described in Exhibit "A" of the Master Agreement.
- 2.2 The County has requested additional Measure A funding to cover additional costs for Project activities. The County's request was approved by RCTC at their meeting on December 8, 2010.
- 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.

WHEN DOCUMENT IS FULLY EXECUTED RETURN
CLERK'S COPY
to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

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 Two Million One Hundred Thousand Dollars (\$2,100,000) to Seven Million One Hundred Dollars (\$7,100,000) to reflect the increase in the maximum eligible TUMF share for the higher than anticipated Project costs as shown in the revised TUMF Nexus Study.
- 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. All other provisions of Exhibit "A" of the Master Agreement shall remain valid. The Funding Amount shall be utilized 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 and within the term of the Master Agreement.
- 3.5 Except as amended by this Amendment, 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]

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010

Post Office Box 1147, Riverside, Ca 92502-1147

Thank you.

**SIGNATURE PAGE
TO
AGREEMENT NO. 10-72-035-01**

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

**RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

COUNTY OF RIVERSIDE

By: 

Gregory S. Pettis, Chair



Signature

Name **BOB BUSTER**

Title **CHAIRMAN, BOARD OF SUPERVISORS**

ATTEST:
KECIA HARPER-IHEM, Clerk
By 
DEPUTY

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: 

Best Best & Krieger LLP
General Counsel

By:  2/14/10

Marsha L. Victor

EXHIBIT "A"

FUNDING:

PHASE	TUMF	LOCAL	TOTAL
RIGHT OF WAY	\$7,100,000	\$4,326,000*	\$11,426,000

* TUMF Regional Arterial Funds

TIMETABLE:

The Right of Way Phase was started in April 2006 and is estimated to be completed in June, 2011. Construction is estimated to start in July, 2011.

Exhibit A