

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

207A



FROM: TLMA – Transportation Department

SUBMITTAL DATE:
January 2, 2014

SUBJECT: Amendment No. 1 to the Transportation Uniform Mitigation Fee Funding Agreement with Western Riverside Council of Governments for the Magnolia Avenue Grade Separation Project, 1st/1st and 2nd/2nd Districts. [9,200,000]; Local Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors approve the subject Amendment No. 1 to the Transportation Uniform Mitigation Fee Funding Agreement between Western Riverside Council of Governments and the County of Riverside and authorize the Chairman of the Board to execute the same.

BACKGROUND:
Summary

The proposed Magnolia Avenue Grade Separation Project is located in the unincorporated county area of Home Gardens, which is bordered by the City of Riverside and the City of Corona. Magnolia Avenue, a four-lane arterial, currently crosses a Burlington Northern Santa Fe (BNSF) Railroad crossing between Lincoln Street and Buchanan Street. Currently, vehicle, pedestrian, and bicycle traffic along Magnolia Avenue all traverse the crossing at the BNSF Railroad tracks. At this crossing, there are two mainline railroad tracks that service freight trains, as well as Metrolink and Amtrak commuter trains.

Juan C. Perez
Director of Transportation and Land Management

Patricia Romo
Assistant Director of Transportation Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 300,000	\$ 6,900,000	\$ 9,200,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: Transportation Uniform Mitigation Fee (TUMF) 100%
There are no General Funds used in this project.

Budget Adjustment: No
For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: February 4, 2014
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

FORM APPROVED COUNTY COUNSEL
BY:
DATE: 1-16-14
CYNTHIA M. GUNZEL

Departmental Concurrence

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

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

FORM 11: Amendment No. 1 to Transportation Uniform Mitigation Fee Funding Agreement with Western Riverside Council of Governments for the Magnolia Avenue Grade Separation Project, 1st/1st and 2nd/2nd Districts. [9,200,000]; Local Funds 100%

DATE: January 2, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

The proposed project will grade separate Magnolia Avenue by raising the roadway over the railroad tracks, which will improve vehicular traffic circulation and provide uninterrupted and efficient access for motorists, pedestrians, bicycles, and emergency vehicles in this area.

This Amendment adds \$7,200,000 towards the construction phase of the project. This increases the current Transportation Uniform Mitigation Fee (TUMF) Funding Agreement amount from \$2,000,000 for the right-of-way phase to \$9,200,000 for a combined total for the construction and right-of-way phases. This amount is consistent with the revised budget amount currently programmed in the Western Riverside Council of Governments (WRCOG) Northwest Zone Transportation Improvement Program (TIP) for this project and approved by the WRCOG Executive Committee on December 2, 2013.

Project Number: B7-0784

Impact on Residents and Businesses

NA

SUPPLEMENTAL:

Additional Fiscal Information

This project has also been approved to receive approximately \$17.696 million in Proposition 1B, Trade Corridor Improvement Funds (TCIF) and \$16.4 million from the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. Additional funds for this project include STP-Discretionary and other miscellaneous funds. There are no General Funds used in this project.

Contract History and Price Reasonableness

N/A

**AMENDMENT NO. 1 TO TRANSPORTATION UNIFORM MITIGATION FEE
PROGRAM AGREEMENT**

**MAGNOLIA AVENUE GRADE SEPARATION PROJECT
(LINCOLN STREET TO BUCHANAN STREET)
(Right of Way and Construction Phases)**

This Amendment No. 1 to Transportation Uniform Mitigation Fee Program Agreement (“Amendment No. 1”) is entered into this 4 day of February, 2014, by and between the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (“WRCOG”) and COUNTY OF RIVERSIDE (“AGENCY”). WRCOG and the AGENCY are sometimes referred to individually as “Party” and collectively as “Parties.”

RECITALS

A. WRCOG and AGENCY have entered into an agreement titled “Transportation Uniform Mitigation Fee Program Agreement” that is dated **March 5, 2012** (“Agreement”). The Agreement provides the terms and conditions, scope of work, schedule and funding amount for the construction of the **Magnolia Avenue Grade Separation Project (Lincoln Street to Buchanan Street)** (hereinafter the “Project”).

B. The Parties desire to amend the Agreement by increasing the funding amount pursuant to Sections 6 and 33 of the Agreement and providing for the construction phase of work to be completed for the Project.

C. The funding amount specified in the Agreement is being amended to match the funding amounts shown in the current Northwest Zone 5-year Transportation Improvement Plan (TIP) for this Project. Funds are being increased for this Project because new funding has become available.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the Parties hereby agree as follows:

1. The Funding Amount contained in Section 2 of the Agreement is hereby increased by **Seven Million Two Hundred Thousand Dollars (\$7,200,000)** from **Two Million Dollars (\$2,000,000)** to an amount not to exceed **Nine Million Two Hundred Thousand Dollars (\$9,200,000)** for the Right-of-Way and Construction Phases Only.

2. The foregoing increase in the Funding Amount is within the Maximum TUMF Share.

3. AGENCY's Local Match Contribution. AGENCY funding is not required, as shown in Exhibit "A" attached hereto.

4. Exhibits "A", "A-1", and "A-2" of the Agreement are hereby replaced in their entirety by Exhibits "A", "A-1", and "A-2" of this Amendment No. 1, which are attached hereto and incorporated by reference.

5. The above-stated Recitals are hereby fully incorporated into this Amendment No. 1.

6. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of the Agreement shall remain in full force and effect between the Parties hereto.


IN WITNESS WHEREOF, the Parties have caused this Amendment No. 1 to be executed by their duly authorized representatives to be effective on the day and year first written above.

**WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS**

**COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT**

RECOMMENDED FOR APPROVAL:

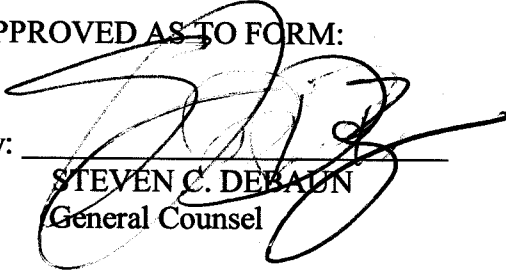
By: 
RICK BISHOP
Executive Director

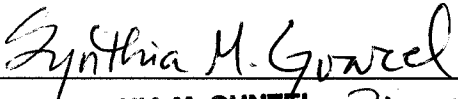
By: 
JUAN C. PEREZ
Director of Transportation

Patricia Romo
Assistant Director of Transportation

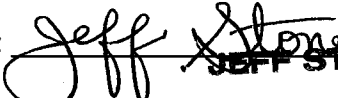
APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: 
STEVEN C. DEBAIN
General Counsel

By: 
SYNTHIA M. GUNZEL, Deputy
County Counsel

APPROVAL BY THE BOARD OF
SUPERVISORS:

By:  Date: 2/4/14
~~JEFF STONE~~
Chairman, Riverside County Board of
Supervisors

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

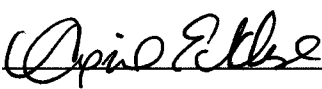
By:  Date: 2/4/14
Deputy

Exhibit A

SCOPE OF SERVICES

Magnolia Avenue Grade Separation

Project Description:

Magnolia Avenue is a four-lane Arterial Highway that provides primary access to commercial, industrial and residential land uses in the Home Gardens Community of Riverside County, which neighbors the City of Riverside to the east and City of Corona to the north and west. A Burlington Northern Santa Fe (BNSF) at grade crossing currently exists on Magnolia Avenue between Lincoln Street and Buchanan Street. This Project will grade separate the current at-grade crossing by raising the roadway over the railroad and constructing a six-lane capacity bridge that will span over the railroad tracks.

The preliminary engineering and environmental (PA&ED) and final design (PS&E) phases have been completed. The Right of Way Phase is nearing completion and the Construction Phase is scheduled to begin in early 2014.

Phases of Work under this Agreement:

The project phases included in this Agreement consist of the Right of Way and Construction phases only. Environmental and Engineering phases of this Project are included in a separate TUMF funding agreement and not a part of this Agreement.

Exhibit A-1

ESTIMATE OF COST

PHASE	TUMF	LOCAL	TOTAL
PA&ED	NA	NA	NA
PS&E	NA	NA	NA
ROW	\$2,000,000	NA	\$2,000,000
CON	\$7,200,000	NA	\$7,200,000
<i>Total Approved by WRCOG</i>	\$9,200,000		

Exhibit A-2**PROJECT SCHEDULE**

PHASE	START DATE	COMPLETION DATE
PA&ED	NA	NA
PS&E	NA	NA
ROW	FY 12/13	FY 13/14
CON	FY 13/14	FY 15/16