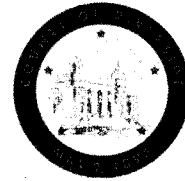


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM**  
3.16  
(ID # 5406)

**MEETING DATE:**

Tuesday, October 24, 2017

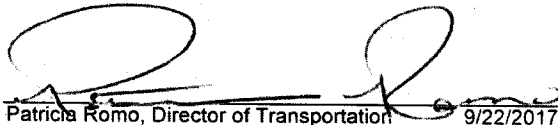
**FROM :** TLMA-TRANSPORTATION:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/ TRANSPORTATION:  
Approval of Amendment No. 2 to the Transportation Uniform Mitigation Fee Program Agreement between Western Riverside Council of Governments and the County of Riverside associated with the Magnolia Avenue Grade Separation Project. 2nd District; [\$2,825,000]; Transportation Uniform Mitigation Fee 100%

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Amendment No. 2 to the Transportation Uniform Mitigation Fee (TUMF) Program Agreement between Western Riverside Council of Governments (WRCOG) and the County of Riverside (County) associated with the Magnolia Avenue Grade Separation Project; and
2. Authorize the Chairman of the Board of Supervisors to execute the same.

**ACTION:** Policy

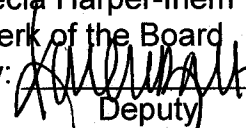
  
Patricia Romo, Director of Transportation 9/22/2017

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: October 24, 2017  
xc: Transp.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 2,825,000	\$ 0	\$ 12,025,000	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	17/18

**C.E.O. RECOMMENDATION:**

**BACKGROUND:**

**Summary**

The recently constructed Magnolia Avenue Grade Separation Project (Project) is located in the unincorporated County area of Home Gardens, which is bordered by the City of Riverside and the City of Corona. The Project, a four-lane arterial road, formerly crossed the Burlington Northern Santa Fe (BNSF) Railroad tracks at-grade between Lincoln Street and Buchanan Street. Now, vehicle, pedestrian, and bicycle traffic along Magnolia Avenue all traverse the crossing uninterrupted above the BNSF Railroad tracks on an elevated roadway structure. At this crossing, there are two mainline railroad tracks that service freight trains, as well as Metrolink and Amtrak commuter trains.

The Project elevated a portion of Magnolia Avenue via an elevated roadway structure over the existing railroad tracks. This improved vehicular traffic circulation and provided uninterrupted and efficient access for motorists, pedestrians, bicycles and emergency vehicles in this area.

The County and WRCOG initially entered into a TUMF Funding Agreement (Agreement) for this Project in the amount of \$2,000,000 approved by the Board on March 5, 2012 (Agenda Item 3.28) and entered into Amendment No.1 to increase funding by \$7,200,000 approved by the Board on February 4, 2014 (Agenda Item 3.21). This Amendment No. 2 would increase the TUMF funding amount for the Agreement by \$2,825,000 to a revised total of \$12,025,000. This amended amount is consistent with the revised budget amount currently programmed in the WRCOG Northwest Zone Transportation Improvement Program (TIP) for this Project. This funding will allow the County to replenish the gas tax funds that were used to complete this project.

Project Number: B7-0784

**Impact on Residents and Businesses**

This Project will improve vehicular traffic circulation and provide uninterrupted and efficient access for motorists, pedestrians, bicycles and emergency vehicles in this area.

**SUPPLEMENTAL:**

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

**Additional Fiscal Information**

This project received \$17.7 million from the State Trade Corridor Improvement Funds (TCIF) towards construction. This Project also received \$16 million from the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. There are no General Funds used in this project.

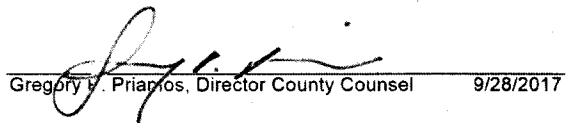
**ATTACHMENTS.**

Vicinity Map

Amendment No. 2 TUMF Agreement

  
Alex Gann

10/16/2017

  
Gregory V. Priamos, Director County Counsel

9/28/2017

**AMENDMENT NO. 2 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. 2 to Transportation Uniform Mitigation Fee Program Agreement (“Amendment No. 2”) is entered into this 24<sup>th</sup> day of October, 2017 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. WRCOG and AGENCY have entered into an amendment to the Agreement titled “Amendment No. 1 to Transportation Uniform Mitigation Fee Program Agreement” that is dated February 4, 2014 (“Amendment No. 1”).

C. The Parties desire to amend the Agreement as amended by Amendment No. 1 by increasing the funding amount pursuant to Sections 6 and 33 of the Agreement.

D. The funding amount specified in the Agreement is being amended to match the

OCT 24 2017 3.16  
3.16

funding amount 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 as amended by Amendment No. 1 is hereby increased by **Two Million Eight Hundred Twenty Five Thousand Dollars (\$2,825,000)** from **Nine Million Two Hundred Thousand Dollars (\$9,200,000)** to an amount not to exceed **Twelve Million Twenty Five Thousand Dollars (\$12,025,000)** 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 as amended by Amendment No. 1 are hereby replaced in their entirety by Exhibits "A", "A-1", and "A-2" of this Amendment No. 2 which are attached hereto and incorporated by reference.
5. The above-stated Recitals are hereby fully incorporated into this Amendment No. 2.

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

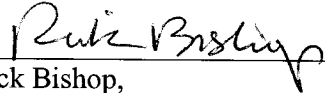
**[Signatures on the following page]**

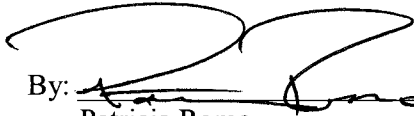
IN WITNESS WHEREOF, the Parties have caused this Amendment No. 2 to be executed by their duly authorized representatives to be effective on the day and year first written above.

**WESTERN RIVERSIDE COUNCIL  
OF GOVERNMENTS**

**COUNTY OF RIVERSIDE  
TRANSPORTATION DEPARTMENT**

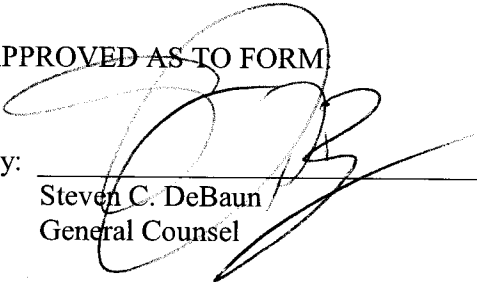
RECOMMENDED FOR APPROVAL:

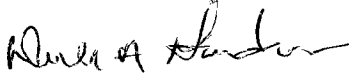
By:   
Rick Bishop,  
Executive Director

By:   
Patricia Romo  
Director of Transportation

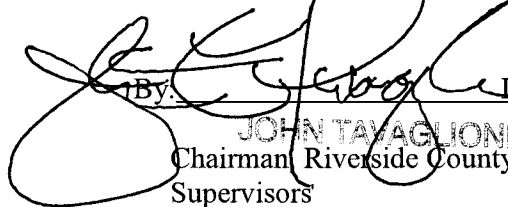
APPROVED AS TO FORM:

APPROVED AS TO FORM:


By:   
Steven C. DeBaun  
General Counsel

By:   
**Dale A. Gardner**  
County Counsel

APPROVAL BY THE COUNTY BOARD  
OF SUPERVISORS:

By:  Date: OCT 24 2017  
**JOHN TAVAGLIONE**  
Chairman, Riverside County Board of  
Supervisors

ATTEST:

By:  Date: OCT 24 2017  
Kecia Harper-Ihem  
Clerk of the Board

**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 and Construction phases will be completed in Fiscal Year 2017/18.

**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**

<b>Phase</b>	<b>TUMF</b>	<b>LOCAL</b>	<b>TOTAL</b>
<b>PA&amp;ED</b>	N/A	N/A	N/A
<b>PS&amp;E</b>	N/A	N/A	N/A
<b>RIGHT OF WAY</b>	\$3,639,000	N/A	\$3,639,000
<b>CONSTRUCTION</b>	\$8,386,000	N/A	\$8,386,000
<b>Total Approved by WRCOG</b>	<b>\$12,025,000</b>		

**EXHIBIT "A-2"**  
**PROJECT SCHEDULE**

<b>Phase</b>	<b>START DATE</b>	<b>COMPLETION DATE</b>
<b>PA&amp;ED</b>	N/A	N/A
<b>PS&amp;E</b>	N/A	N/A
<b>ROW</b>	FY 10/11	FY 17/18
<b>CON</b>	FY 13/14	FY 17/18