

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



**ITEM: 3.26
(ID # 24881)**

MEETING DATE:
Tuesday, May 07, 2024

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Approval of Amendment No. 1 to the Agreement for the Funding of Measure A Regional Arterial Improvements by and Between the County of Riverside and the Riverside County Transportation Commission for the Jurupa Grade Separation Project. District 2. [\$35,000,000 Total Amendment Cost, \$60,000,000 Total Cost - Riverside County Transportation Commission 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No.1 to the Agreement for the Funding of Measure A Regional Arterial Improvements by and Between the County of Riverside and the Riverside County Transportation Commission for the Jurupa Grade Separation Project and authorize the Chair of the Board to execute the same.

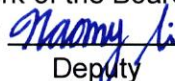
ACTION:Policy

Dennis Acuna, Director of Transportation 4/29/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: May 7, 2024
xc: Trans.

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 5,000,000	\$ 20,000,000	\$ 35,000,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: RCTC (100%). There are no General Funds used in this project.			Budget Adjustment: No	
			For Fiscal Year: 23/24-26/27	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The County of Riverside (County) is constructing a new underpass to grade separate the Union Pacific Rail Road (UPRR) tracks from vehicular traffic. This project is in the City of Jurupa Valley and the County has been designated as the Responsible Agency for the project due to the expertise the County has in delivering large complex projects.

The proposed 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 enhance the operational characteristics of freight and passenger trains throughout Riverside County by eliminating conflicts between railroad operations and vehicular traffic.

On April 28, 2017, Governor Brown signed Senate Bill (SB) 132, creating and funding the Riverside County Transportation Efficiency Corridor, which consists of five projects in Western Riverside County, including \$108.4 million for the Jurupa Grade Separation project.

On October 24, 2017 (Agenda item 3.14), the Board of Supervisors approved an Agreement between the County, the City of Jurupa Valley, and RCTC that designated the County as the lead agency to implement the Jurupa Road grade separation project.

On March 23, 2021 (Agenda Item 3.41), the County of Riverside Board of Supervisors authorized the Clerk of the Board to advertise the construction of this project.

The County of Riverside received bids for the Jurupa Grade Separation Project and based on the lowest responsive and responsible bid, the total estimated project cost was \$133.4 million. In order to award the contract, an additional \$25 million was needed.

On July 14, 2021, the Riverside County Transportation Commission (RCTC) approved the programming of \$25 million of available 2009 Measure A Western County Regional Arterial (MARA) to fund the Jurupa Road Grade Separation project fully.

On July 20, 2021 (Agenda Item 3.42), the Board of Supervisors approved the Agreement by and Between the County and RCTC for the additional \$25 million of funding needed to complete the

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construction of the Jurupa Grade Separation Project.

Coordination with the UPRR has been especially challenging, particularly throughout the COVID-19 pandemic. To keep the project moving forward, the County developed a phased approach to construction, which allowed it to advertise the construction contract while still finalizing the design and right of way. The SB 132 encumbrance deadline of June 30, 2023, influenced decisions the County made on phasing the project delivery and the costs it incurred for the project while trying to finalize the construction and maintenance (C&M) agreement with UPRR. In that time, inflation, labor costs, supply chain challenges, and lack of authority to proceed with construction within UPRR jurisdiction led to additional costs that were not anticipated for the project to be completed. UPRR has also revised and updated its requirements related to the construction of its facilities during the approval of the plans, which resulted in additional improvements and costs. The County estimates additional project costs at approximately \$46 million, and the County has been working diligently to identify other sources of funds to move the project forward.

Due to the unique circumstances surrounding this project, there are limited fund sources the project may qualify for. The County requested RCTC financial support to continue moving forward with the construction of this project. On February 26, 2024, the RCTC Executive Committee agreed to approve the programming of an additional \$35 million of MARA funds for this project. Amendment No. 1 between the County and RCTC outlines the terms and conditions by which these additional MARA funds will be provided to the County.

The additional MARA funds will allow the County to issue a Contract Change order to the current construction contractor, Granite Construction Company (Granite), which is needed to move forward with project construction completion.

Project Number: C8-0060

Impact on Residents and Businesses

The project will eliminate the existing at-grade crossing on Jurupa Road at the UPRR tracks to provide uninterrupted and efficient access for motorists, residents, businesses, pedestrians, and emergency vehicles in the area. Additionally, the project will enhance the operational characteristics (i.e. speed, efficiency, and reliability) of freight and passenger trains throughout Riverside County by eliminating conflicts between railroad operations and vehicular traffic.

SUPPLEMENTAL:

Additional Fiscal Information

This Agreement between the County and RCTC will provide the additional funds needed (not to exceed \$60 million) to complete the construction of this project. There are no General Funds used for this project.

Contract History and Price Reasonableness

N/A

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ATTACHMENTS:

Vicinity Map
Amendment No. 1



Jason Farin, Principal Management Analyst 4/30/2024



Aaron Gettis, Chief of Deputy County Counsel 4/30/2024

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010

Post Office Box 1147, Riverside, Ca 92502-1147

Thank you.

Agreement No. 21-72-121-01

**AMENDMENT NO. 1 TO THE
AGREEMENT FOR THE FUNDING OF
MEASURE A REGIONAL ARTERIAL IMPROVEMENTS
WITH THE COUNTY OF RIVERSIDE**

1. Parties and Date.

1.1 This Amendment No. 1 to the Agreement for the Funding of Measure A Regional Arterial ("MARA") Improvements is executed and entered into this 07 day of May, 2024, by and between the RIVERSIDE COUNTY TRANSPORTATION COMMISSION ("RCTC") and the COUNTY OF RIVERSIDE ("County"). RCTC and County are sometimes collectively referred to herein as the "Parties".

2. Recitals.

2.1 RCTC and the County have entered into an agreement, titled "Agreement for the Funding of Measure A Regional Arterial Improvements with the County of Riverside", dated August 12, 2021, (the "Master Agreement"), to distribute MARA funds to the County for the construction of the Jurupa Road / Union Pacific Railroad Grade Separation Project (the "Project").

2.2 The Master Agreement provided for distribution of MARA funds in the not to exceed sum of Twenty-Five Million Dollars (\$25,000,000) for construction of the Project.

2.3 Contract Change Orders for the Project have exceeded the construction contract contingency and the County has requested additional funds in an amount not to exceed Thirty-Five Million Dollars (\$35,000,000).

2.4 The Parties now desire to amend the Master Agreement in order to increase the Funding Amount, as set forth in Section 3.2 of the Master Agreement, and to update the funding allocations and timetable for construction of the Project, as set forth in Section 3.3.2 and Exhibit "A" of the Master Agreement.

3. Terms.

3.1 Section 3.2 of the Master Agreement, titled "RCTC Funding Amount", shall be amended, in its entirety, to read as follows:

"3.2 RCTC Funding Amount. RCTC hereby agrees to distribute to the County, on the terms and conditions set forth herein, a sum not to exceed Sixty Million Dollars (\$60,000,000), to be used exclusively for reimbursing the County for eligible Work expenses as described herein ("Funding Amount"). The County acknowledges and agrees that the Funding Amount may be less than the actual cost of the Work, and that RCTC shall not contribute funds in excess of the maximum authorized in this section."

3.2 Section 3.3.2 of the Master Agreement, titled "County's Local Match Contribution", shall be amended, in its entirety, to read as follows:

"3.3.2 County's Local Match Contribution. The County shall utilize the One Hundred Eight Million Four Hundred Thousand Dollars (\$108,400,000) of Senate Bill (SB) 132 funding (the "SB 132 Funds") toward the Work and other phases of the Project, as showing in Exhibit "A". The SB 132 Funds for the Work shall be drawn down in full before MARA Funds are invoiced."

3.3 Exhibit "A" of the Master Agreement, titled "SCOPE OF WORK, FUNDING AND TIMETABLE", shall be amended, in its entirety, with Exhibit "A" attached to this Amendment No. 1 as Attachment 1 and incorporated herein by reference.

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 No. 1.

3.5 This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original.

3.6 Each party of this Amendment No. 1 agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA") Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Amendment No. 1. The Parties further agree that the electronic signatures of the Parties included in this Amendment No. 1 are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California,

including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the Parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code.

[Signatures on following page]

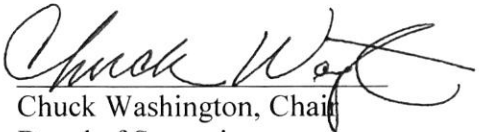
**SIGNATURE PAGE
TO
AMENDMENT NO. 1 TO THE
AGREEMENT FOR THE FUNDING OF
MEASURE A REGIONAL ARTERIAL IMPROVEMENTS
WITH THE COUNTY OF RIVERSIDE**

(AGREEMENT NO. 21-72-121-01)

**RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

COUNTY OF RIVERSIDE

By: _____
Aaron Hake, Executive Director

By: 
Chuck Washington, Chair
Board of Supervisors

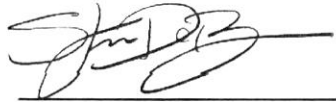
ATTEST:
Kimberly A. Rector
Clerk of the Board

By: 
Deputy


RECOMMENDED FOR APPROVAL:

By: 
Dennis Acuna
Transportation Director

APPROVED AS TO FORM:

By: 
Best, Best & Krieger
Counsel to the Riverside County
Transportation Commission

APPROVED AS TO FORM:

By: 
Danielle Maland
Deputy County Counsel

ATTACHMENT 1

EXHIBIT "A"

**SCOPE OF WORK,
FUNDING AND TIMETABLE**

SCOPE OF WORK: The Jurupa Road / Union Pacific Railroad Grade Separation Project will construct a roadway underpass beneath Van Buren Boulevard and Union Pacific Railroad tracks.

The portion of the Project to be funded under this Agreement is the construction phase for the Project.

FUNDING:

PHASE	MARA	SENATE BILL 132	OTHER LOCAL	TOTAL
PRELIMINARY ENGINEERING/ ENVIRONMENTAL DOCUMENT		\$6,550,000		\$6,550,000
PLANS, SPECIFICATION AND ESTIMATE (PS&E)		\$7,170,000		\$7,170,000
RIGHT OF WAY		\$20,650,000		\$20,650,000
CONSTRUCTION	\$60,000,000	\$74,030,000	\$12,000,000	\$146,030,000
TOTAL	\$60,000,000	\$108,400,000	\$12,000,000	\$180,400,000

TIMETABLE:

PHASE	START DATE	END DATE	COMMENTS
Construction	7/20/2021	10/20/2026	1,307 Working Days

COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT

JURUPA ROAD

UPRR GRADE SEPARATION PROJECT

CITY OF JURUPA VALLEY

PROJECT
SITE

