

AGENDA

Board of Directors Metro Valley Study Session

August 15, 2024

*****Start Time: 9:20 AM*****

Location

San Bernardino County Transportation Authority
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410

Board of Directors

Valley Representatives

Study Session Chair

Helen Tran, Mayor
City of San Bernardino

Study Session Vice-Chair

Jesse Armendarez, Supervisor
Second District

Eunice Ulloa, Mayor
City of Chino

Ray Marquez, Council Member
City of Chino Hills

Frank Navarro, Mayor
City of Colton

Acquanetta Warren, Mayor
City of Fontana

Bill Hussey, Mayor
City of Grand Terrace

Larry McCallon, Mayor Pro Tem
City of Highland

Ronald Dailey, Mayor Pro Tem
City of Loma Linda

John Dutrey, Mayor
City of Montclair

Alan Wapner, Council Member
City of Ontario

L. Dennis Michael, Mayor
City of Rancho Cucamonga

Paul Barich, Mayor Pro Tem
City of Redlands

Deborah Robertson, Mayor
City of Rialto

Rudy Zuniga, Council Member
City of Upland

Bobby Duncan, Council Member
City of Yucaipa

Mountain/Desert Representatives

Daniel Ramos, Mayor Pro Tem
City of Adelanto

Art Bishop, Mayor Pro Tem
Town of Apple Valley

Carmen Hernandez, Council Member
City of Barstow

Rick Herrick, Council Member
City of Big Bear Lake

Rebekah Swanson, Mayor Pro Tem
City of Hesperia

Janet Jernigan, Mayor
City of Needles

Joel Klink, Mayor Pro Tem
City of Twentynine Palms

Debra Jones, Council Member
City of Victorville

Rick Denison, Council Member
Town of Yucca Valley

County Board of Supervisors

Paul Cook, *First District*

Curt Hagman, *Fourth District*

Dawn Rowe, *Third District*

Joe Baca, Jr., *Fifth District*

Ex-Officio Member – Catalino Pining, Caltrans

Ray Wolfe, Executive Director

Julianna Tillquist, General Counsel

**San Bernardino County Transportation Authority
San Bernardino Council of Governments**

AGENDA

Board of Directors Metro Valley Study Session

**August 15, 2024
9:20 AM**

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**First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410**

Items listed on the agenda are intended to give notice to members of the public of a general description of matters to be discussed or acted upon. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional ***“Meeting Procedures”*** and agenda explanations are attached to the end of this agenda.

CALL TO ORDER

(Meeting Chaired by Helen Tran)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications - Natalie Lopez

Public Comment

Brief Comments from the General Public

Note: Public Comment on items listed on this agenda will be allowed only during this committee meeting. No public comment will be allowed on committee items placed on the Consent Agenda at the Board of Directors meeting. If an item has substantially changed after consideration during the committee meeting, the item will be placed on Discussion for Board and public comment will be allowed.

Possible Conflict of Interest Issues

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

1. Information Relative to Possible Conflict of Interest

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

This item is prepared for review by Board of Directors and Committee Members.

INFORMATIONAL ITEMS

Items listed are receive and file items and are expected to be routine and non-controversial. Unlike the Consent Calendar, items listed as Informational Items do not require a vote.

2. Project Delivery Contract Change Orders to On-Going Contracts

Pg. 12

Receive and file Change Order Report.

Presenter: Kristi Harris

This item is not scheduled for review by any other policy committee or technical advisory committee.

DISCUSSION ITEMS

Discussion - Project Delivery

3. Progress Briefing Report through June 2024

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Receive the Major Projects Status Report for the period through June 2024.

Presenter: Kristi Harris

This item is not scheduled for review by any other policy committee or technical advisory committee.

4. Interstate 10 Corridor Freight and Express Lane Project Contract 2 - Preview of the Hearings to Consider Resolutions of Necessity for Property Interests

Pg. 20

That the following be reviewed and recommended for final approval by the Board of Directors (Board), acting as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

A. Conduct public hearings to consider condemnation of real property required for the Interstate 10 Corridor Freight and Express Lanes Project - Contract 2 in the City of Ontario and unincorporated areas of San Bernardino County.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-001 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shea Center Ontario (Assessor's Parcel Numbers 0238-052-41, 0238-052-44 and 0238-052-46). The resolution must be approved by at least a two-thirds majority.

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-002 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: VID Enterprises, LLC (Assessor's Parcel Number 0238-052-53). The resolution must be approved by at least a two-thirds majority.

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-004 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Erwin Weinhart (Assessor's Parcel Numbers 0252-142-28 and 0252-142-29). The resolution must be approved by at least a two-thirds majority.

Agenda Item 4 (Cont.)

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-005 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ruben Zepeda (Assessor's Parcel Number 0252-142-19). The resolution must be approved by at least a two-thirds majority.

Presenter: Tracy Escobedo

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft resolutions.

5. Interstate 10 Mount Vernon Avenue Interchange Improvement Project Cooperative Agreement Amendments with California Department of Transportation and City of Colton **Pg. 31**

That the following be reviewed and recommended for final approval by the Board of Directors, acting as the San Bernardino County Transportation Authority (SBCTA), at a regularly scheduled Board meeting:

A. Authorize the Executive Director, or his designee, to execute Amendment No. 4 to Cooperative Agreement No. 18-1001904, with the City of Colton for the Interstate 10 (I-10) Mount Vernon Avenue Interchange Improvement Project (Project) to update the Project cost for a new total of \$94,124,490, consisting of \$4,837,429 City Developer Impact Fees and \$89,287,061 Measure I Funds, and extend the expiration date to December 31, 2031, upon approval as to form by SBCTA General Counsel.

B. Authorize the Executive Director, or his designee, to execute Amendment No. 1 to Cooperative Agreement No. 23-1002893, with the California Department of Transportation (Caltrans), to update construction cost, increase Department Furnished Materials to \$1,050,000, and add Landscape Maintenance language for the Project, upon approval as to form by SBCTA General Counsel.

Presenter: Juan Lizarde

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Enterprise Risk Manager have reviewed this item and the draft amendments.

6. State Route 210 Waterman Avenue Interchange Project - Amendment No. 2 to Cooperative Agreement No. 22-1002720 with the City of San Bernardino **Pg. 46**

That the following be reviewed and recommended for final approval by the Board of Directors, acting as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

Approve Amendment No. 2 to Cooperative Agreement No. 22-1002720 with the City of San Bernardino for the State Route 210 Waterman Avenue Interchange Project, increasing the total project cost by \$1,773,658, funded by Measure I Valley Interchange Program contribution of \$1,450,852 and City of San Bernardino Development Impact Fees of \$322,806, for a new not-to-exceed receivable amount of \$1,948,934, to be funded with City of San Bernardino local funds.

Presenter: Paul Melocoton

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

Discussion - Regional/Subregional Planning

7. Update on the Measure I Valley Freeway Interchange Phasing Program

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That the following be reviewed and recommended for final approval by the Board of Directors, acting as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

Reduce the set-aside of Measure I Valley Freeway Interchange Phasing Program funds to \$23 million from the original \$40 million authorized for the program in December 2016. These remaining funds shall be accessible for the following projects, based on requests previously received from the respective cities: Interstate 10/Wildwood Canyon Interchange in the City of Yucaipa, State Route (SR) 210/Waterman Avenue Interchange in the City of San Bernardino, SR-210/5th Street Interchange in the City of Highland, and the SR-60/Euclid Avenue Interchange in the City of Ontario.

Presenter: Steve Smith

This item is not scheduled for review by any other policy committee or technical advisory committee.

Comments from Board Members

Brief Comments from Board Members

ADJOURNMENT

Additional Information

Attendance

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Acronym List

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Mission Statement

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Meeting Procedures and Rules of Conduct

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility & Language Assistance - The meeting facility is accessible to persons with disabilities. A designated area is reserved with a microphone that is ADA accessible for public speaking. A designated section is available for wheelchairs in the west side of the boardroom gallery. If assistive listening devices, other auxiliary aids or language assistance services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Service animals are permitted on SBCTA's premises. The ADA defines service animals as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work, or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Accesibilidad y asistencia en otros idiomas - Las personas con discapacidad pueden acceder a la sala de reuniones. Se reserva una zona designada con un micrófono accesible que cumple con los requisitos de la ADA para hablar en público. Una sección designada está disponible para sillas de ruedas en el lado oeste de la galería de la sala de reuniones. Si se necesitan dispositivos de ayuda auditiva, otras ayudas auxiliares o servicios de asistencia en otros idiomas para participar en la reunión pública, las solicitudes deben presentarse al Secretario de la Junta al menos tres (3) días hábiles antes de la fecha de la reunión de la Junta. Puede comunicarse con el Secretario llamando al (909) 884-8276 o enviando un correo electrónico a clerkoftheboard@gosbcta.com. La oficina se encuentra en 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Los animales de servicio están permitidos en las instalaciones de SBCTA. La ADA define a los animales de servicio como perros o caballos miniatura que son entrenados individualmente para hacer trabajo o realizar tareas para personas con discapacidades. Según la ADA, los animales de servicio deben tener un arnés o ser atados, a menos que estos dispositivos interfieran con el trabajo del animal de servicio, o que la discapacidad de la persona impida el uso de estos dispositivos. En ese caso, la persona debe mantener el control del animal a través de su voz, señales u otros controles efectivos.

Agendas – All agendas are posted at www.gosbcta.com/board/meetings-agendas/ at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3rd Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting.

Agenda Actions – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

Closed Session Agenda Items – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the President of the Board or Committee Chair (“President”) will announce the subject matter of the closed session. If reportable action is taken in closed session, the President shall report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item, except Board agenda items that were previously considered at a Policy Committee meeting where there was an opportunity for public comment. Individuals in attendance at SBCTA who desire to speak on an item may complete and turn in a "Request to Speak" form, specifying each item an individual wishes to speak on. Individuals may also indicate their desire to speak on an agenda item when the President asks for public comment. When recognized by the President, speakers should be prepared to step forward and announce their name for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The President or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Any individual who wishes to share written information with the Board may provide 35 copies to the Clerk of the Board for distribution. If providing written information for distribution to the Board, such information must be emailed to the Clerk of the Board, at clerkoftheboard@gosbcta.com, no later than 5:00 pm the day before the meeting in order to allow sufficient time to distribute the information. Information provided as public testimony is not read into the record by the Clerk. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda. Any consent item that is pulled for discussion shall be treated as a discussion item, allowing further public comment on those items.

Public Comment –An opportunity is also provided for members of the public to speak on any subject within the Board’s jurisdiction. Matters raised under “Public Comment” will not be acted upon at that meeting. See, “Public Testimony on an Item,” above.

Disruptive or Prohibited Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the President may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner.

Your cooperation is appreciated!

**General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Attendance.

- The President of the Board or Chair of a Policy Committee (Chair) has the option of taking attendance by Roll Call. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name.
- A Member/Alternate who arrives after attendance is taken shall announce his/her name prior to voting on any item.
- A Member/Alternate who wishes to leave the meeting after attendance is taken but before remaining items are voted on shall announce his/her name and that he/she is leaving the meeting.

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee. Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.
- Votes at teleconferenced meetings shall be by roll call, pursuant to the Brown Act, or, at any meeting, upon the demand of five official representatives present or at the discretion of the presiding officer.

The Vote as specified in the SBCTA Administrative Code and SANBAG Bylaws.

- Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the Alternate shall be entitled to vote. (Note that Alternates may vote only at meetings of the Board of Directors, Metro Valley Study Session and Mountain/Desert Policy Committee.)

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the Chair shall ask the maker of the original motion if he or she would like to amend the motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is voted upon first, and if it fails, then the original motion is considered.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a Member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively, and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time to time, circumstances may require deviation from general practice (but not from the Brown Act or agency policy).
- Deviation from general practice is at the discretion of the Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016

Revised June 7, 2023

Minute Action

AGENDA ITEM: 1

Date: August 15, 2024

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background:

In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No. 4 – Interstate 10 Corridor Freight and Express Lanes Project – Contract 2 Preview of Hearing to Consider Resolution of Necessity	
APN#	Principals & Agents
0238-052-41	Shea Center Ontario
0238-052-44	Shea Center Ontario
0238-052-46	Shea Center Ontario
0238-052-53	VID Enterprises, LLC
0252-142-28	Erwin Weinhart
0252-142-29	Erwin Weinhart
0252-142-19	Ruben Zepeda

Item No.	Contract No.	Principals & Agents	Subcontractors
5	18-1001904-04	City of Colton	None
	23-1002893-01	California Department of Transportation	None
6	22-1002720-02	City of San Bernardino	None
7	N/A	City of Yucaipa City of San Bernardino City of Highland City of Ontario	None

Financial Impact:

This item has no direct impact on the budget.

Reviewed By:

This item is prepared for review by Board of Directors and Committee Members.

Responsible Staff:

Kristi Harris, Director of Project Delivery

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

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Minute Action

AGENDA ITEM: 2

Date: August 15, 2024

Subject:

Project Delivery Contract Change Orders to On-Going Contracts

Recommendation:

Receive and file Change Order Report.

Background:

San Bernardino County Transportation Authority (SBCTA) Department of Project Delivery has 12 on-going construction contracts, of which eight have had Construction Change Orders (CCO) approved since the last reporting to the Board of Directors Metro Valley Study Session on June 13, 2024. The CCOs are listed below:

A. Contract No. 19-1002078 with Guy F. Atkinson Construction, LLC, for the State Route (SR) 210 Lane Addition, Base Line Interchange and Pavement Rehabilitation Project:

- 1) CCO 41.2: Reconciliation of bid item 198, alternative pipe culvert. (\$250)
- 2) CCO 76.3: Correction to bid item 123 calculation to SBCTA. (-\$13,642.02)
- 3) CCO 101: Resolution to work character change exception. (-\$10,075.50)

B. Contract No. 19-1002196 with Security Paving Company, Inc., for the SR 60 Central Avenue Interchange Project: There are no newly executed CCOs since last report.

C. Contract No. 19-1002026 with Diversified Landscape Company, for the Interstate 215 (I-215) Segments 1, 2 and 3 Establish Existing Planting Project:

- 1) CCO 2.2: Extension of plant establishment period. (\$68,743.56)

D. Contract No. 17-1001599 with Lane-Security Paving Joint Venture, for the Interstate 10 (I-10) Corridor Contract 1 Design Build Contract:

- 1) CCO 1.1: Dispute review board budget increase amendment. (\$75,000)
- 2) CCO 109.1: Amended four-lane traffic configuration panel replacement. (\$0)
- 3) CCO 133: Toll rate dynamic message signs resistance to ground. (\$0)
- 4) CCO 137: Additional work private property drainage at Carmax. (\$50,000)
- 5) CCO 139: Settlement resolution Ontario water line. (\$215,000)
- 6) CCO 140: Final resolution enhanced temporary striping. (\$298,513)
- 7) CCO 141: Landscape scope revisions. (-\$8,922,182.78)
- 8) CCO 144: Replacement of existing delineators with traffic delineator drums. (\$149,772)
- 9) CCO 145: Mediation fees and costs, landscape and rock blanket matters. (\$50,000)

Entity: San Bernardino County Transportation Authority

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E. Contract 23-1002869 with SEMA Construction, Inc., for I-10 Eastbound Truck Climbing Lane:

- 1) CCO 4: Federal trainee program. (\$9,600)
- 2) CCO 7: Dispute review board. (\$20,000)
- 3) CCO 13: Maintain existing electrical. (\$10,000)

F. Contract 16-1001461 with Pulice Construction, Inc., for the Monte Vista Avenue Grade Separation Project: There are no newly executed CCOs since last report.

G. Contract No. 18-1001966 with Traylor-Granite Joint Venture, for the Mount Vernon Avenue Viaduct Project Design Build:

- 1) CCO 9.1: Decommission and abandon water and sewer. (\$15,048.35)
- 2) CCO 31: Carwash bay demolition. (\$41,500)

H. Contract No. 20-1002290 with SEMA Construction, Inc., for the I-10 University Street Interchange Improvements Project: There are no newly executed CCOs since last report.

I. Contract No. 21-1002620 with Ortiz Enterprises, Inc., for the I-10 Alabama Street Interchange Improvements Project:

- 1) CCO 1.1: De-obligation of remaining funds for Storm Water Pollution Prevention Plan maintenance. (-\$16,980.16)
- 2) CCO 2.1: De-obligation of remaining funds for traffic control. (-\$4,400)
- 3) CCO 3.2: De-obligation of remaining funds for electrical system. (-\$1,346.90)
- 4) CCO 8.1: De-obligation of remaining funds for buried objects. (-\$7,200)

J. Contract No. 23-1002919 with Griffith Company, for the Construction of the Metrolink Active Transportation Program Phase II Project:

- 1) CCO 2: Dispute review advisor. (\$12,000)

K. Contract No. 22-1002784 with Security Paving Company, Inc., for the I-10 Cedar Avenue Improvement Project:

- 1) CCO 2.2: Maintain roadway and provide traffic control. (\$30,000)
- 2) CCO 16.1: Additional funds for buried man-made objects. (\$50,000)
- 3) CCO 28: Eliminate slope paving. (-\$95,571)
- 4) CCO 37: Delete Drainage System (DS) nine and additions to DS four and eight. (\$7,730.20)

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L. Contract No. 22-1002780 with Skanska USA Civil West California District, Inc., for the North 1st Avenue Bridge Over BNSF Project: There are no newly executed CCOs since last report.

Financial Impact:

This item imposes no financial impact, as all CCOs are within previously approved contingency amounts under: Task No. 0830 Interchange Projects and Task No. 0820 Freeway Projects, Sub-Task No. 0887 SR 210 Lane Addition, Sub-Task No. 0823 I-10 Corridor Contract 1, Sub-Task No. 0827 Mount Vernon Viaduct, Sub-Task No. 0854 I-10 Eastbound Truck Climbing Lane, Sub-Task No. 0897 I-10 Cedar Avenue, Sub-Task No. 0838 I-215 Segments 1, 2 and 3 Establish Existing Planting Project, Sub-Task No. 0895 I-10 Alabama Street, and Sub-Task No. 0810 Metrolink ATP, Phase 2.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Kristi Harris, Director of Project Delivery

Approved
Board of Directors Metro Valley Study Session
Date: August 15, 2024

Witnessed By:

San Bernardino County Transportation Authority

Project Delivery Contracts Executed Change Orders		
Number	Description	Amount
SR 210 Lane Addition, Base Line Interchange and Pavement Rehabilitation (19-1002078)		
Number	Description	Amount
41.2	Reconciliation of bid item 198, alternative pipe culvert.	\$250.00
76.3	Correction to bid item 123 calculation to SBCTA.	(\$13,642.02)
101	Resolution to work character change exception.	(\$10,075.50)
	CCO Total	\$24,403,264.12
	Approved Contingency	\$34,927,790.07
	Remaining Contingency	\$10,524,525.95
SR 60 Central Avenue Interchange (19-1002196)		
Number	Description	Amount
	CCO Total	\$1,407,424.91
	Approved Contingency	\$2,912,039.00
	Remaining Contingency	\$1,504,614.09
I-215 Segments 1, 2 & 3 Establish Existing Planting (19-1002026)		
Number	Description	Amount
2.2	Extension of plant establishment period.	\$68,743.56
	CCO Total	\$138,743.56
	Approved Contingency	\$1,451,300.00
	Remaining Contingency	\$1,312,556.44
I-10 Corridor Contract 1 (17-1001599)		
Number	Description	Amount
1.1	Dispute review board budget increase amendment.	\$75,000.00
109.1	Amended 4-lane traffic configuration panel replacement.	\$0.00
133	Toll rate dynamic message signs resistance to ground.	\$0.00
137	Additional work private property drainage at Carmax.	\$50,000.00
139	Settlement resolution Ontario water line.	\$215,000.00
140	Final resolution enhanced temporary striping.	\$298,513.00
141	Landscape scope revisions.	(\$8,922,182.78)
144	Replacement of existing delineators with traffic delineator drums.	\$149,772.00
145	Mediation fees and costs, landscape and rock blanket matters.	\$50,000.00
	CCO Total	\$17,034,303.61
	Approved Contingency	\$51,369,000.00
	Remaining Contingency	\$34,334,696.39

Project Delivery Contracts Executed Change Orders		
Number	Description	Amount
I-10 Eastbound Truck Climbing Lane (23-1002869)		
Number	Description	Amount
4	Federal trainee program.	\$9,600.00
7	Dispute review board.	\$20,000.00
13	Maintain existing electrical.	\$10,000.00
	CCO Total	\$443,174.07
	Approved Contingency	\$3,731,253.00
	Remaining Contingency	\$3,288,078.93
Monte Vista Avenue Grade Separation (16-1001461)		
Number	Description	Amount
	CCO Total	\$869,302.95
	Approved Contingency	\$2,498,958.60
	Remaining Contingency	\$1,629,655.65
Mount Vernon Avenue Viaduct (18-1001966)		
Number	Description	Amount
9.1	Decommission and abandon water and sewer lines.	\$15,048.35
31	Carwash bay demolition.	\$41,500.00
	CCO Total	\$14,384,645.24
	Approved Contingency	\$17,230,000.00
	Remaining Contingency	\$2,845,354.76
I-10 University Street Interchange Improvements (20-1002290)		
Number	Description	Amount
	CCO Total	\$1,211,825.51
	Approved Contingency	\$1,500,590.00
	Remaining Contingency	\$288,764.49
I-10 Alabama Street Interchange Improvements (21-1002620)		
Number	Description	Amount
1.1	De-obligation of remaining funds for SWPPP maintenance.	(\$16,980.16)
2.1	De-obligation of remaining funds for traffic control.	(\$4,400.00)
3.2	De-obligation of remaining funds for electrical system.	(\$1,346.90)
8.1	De-obligation of remaining funds for buried objects.	(\$7,200.00)
	CCO Total	\$962,933.21
	Approved Contingency	\$1,338,886.33
	Remaining Contingency	\$375,953.12

Attachment: MVSS CCO Log Project Delivery Projects (2) (10708 : Project Delivery Contract Change Orders to On-Going Contracts)

Project Delivery Contracts Executed Change Orders		
Number	Description	Amount
Metrolink Active Transportation Program Phase II Project (23-1002919)		
Number	Description	Amount
2	Dispute review advisor.	\$12,000.00
CCO Total		\$12,000.00
Approved Contingency		\$900,661.70
Remaining Contingency		\$888,661.70
I-10 Cedar Avenue Improvement (22-1002784)		
Number	Description	Amount
2.2	Maintain roadway and provide traffic control.	\$30,000.00
16.1	Additional funds for buried man-made objects.	\$50,000.00
28	Eliminate slope paving.	(\$95,571.00)
37	Delete DS 9 and additions to DS 4 and 8.	\$7,730.20
CCO Total		\$4,970,113.46
Approved Contingency		\$8,098,400.00
Remaining Contingency		\$3,128,286.54
North 1st Avenue Bridge Over BNSF (22-1002780)		
Number	Description	Amount
CCO Total		\$1,044,048.77
Approved Contingency		\$3,561,922.00
Remaining Contingency		\$2,517,873.23

Minute Action

AGENDA ITEM: 3

Date: August 15, 2024

Subject:

Progress Briefing Report through June 2024

Recommendation:

Receive the Major Projects Status Report for the period through June 2024.

Background:

The Major Projects Status Report for the period through June 2024 is a high-level summary of relevant project information. This information is presented to provide schedules, cost, funding, and work descriptions for current active projects being managed by the Project Delivery Department. San Bernardino County Transportation Authority (SBCTA) staff would also like to highlight the following activities for this period:

1. North First Avenue Bridge Over BNSF Intermodal Yard Project:

The North First Avenue Bridge over BNSF Project involves replacing the existing structurally deficient bridge, which was built in 1930, with a new two-lane bridge featuring standard shoulders, new approaches, and an eight-foot sidewalk on one side. The new bridge is designed to safely accommodate legal trucks and permit vehicles. The \$85 million project, located in the City of Barstow, will bring significant safety improvements for both vehicles and pedestrians.

Progress has been made on this important project, with two major milestones achieved during the last quarter. The new bridge is anticipated to be open in mid-July and the demolition of the old bridge will begin shortly after the new bridge is open to traffic. Currently, the team is working on completing key components of the old bridge's demolition before the railroad's fourth quarter shutdown while putting the finishing touches on the new bridge.

Funding for this project primarily comes from Federal Highway Bridge Program funds, along with other federal grant funds, California Public Utilities Commission Section 190 funds, Measure I Arterial Funds, and City of Barstow local funds. Construction commenced in January 2023, and completion is expected in the fall of 2024.

2. Interstate 215 (I-215) University Parkway Interchange Project:

The I-215 University Parkway Interchange Project will address traffic congestion and improve freeway access for the City of San Bernardino and the region by reconstructing the existing tight diamond interchange into a Diverging Diamond Interchange (DDI) configuration. The DDI is a new innovative concept that will improve traffic operations by reducing vehicular conflict points and traffic signal phases by diverting vehicles to the left side of the road between both ramp intersections.

Two significant milestones were fulfilled on this project over the past quarter. On May 7, 2024 SBCTA received federal funding authorization from California Department of Transportation (Caltrans) and the Federal Highway Administration, and on May 15, 2024 the project was advertised for construction bids. The bid opening occurred on June 12, 2024. Construction is anticipated to begin in October and is anticipated to take approximately one year to complete.

Entity: San Bernardino County Transportation Authority

A Public Outreach program is in place and will be maintained throughout the construction phase. This project is funded by a combination of Federal, City Developer Impact Fees, and Measure I funds.

3. Interstate 10 (I-10) Corridor Freight and Express Lanes Project - Contract 2:

The I-10 Corridor Freight and Express Lanes Project – Contract 2 will add auxiliary lanes to improve freight corridor movement and add a single express lane from Interstate 15 (I-15), in the City of Ontario, to Pepper Avenue, in the City of Colton. The Environmental Document for the project was approved in May 2017. The project was awarded \$85 million in Trade Corridor Enhancement Program funds in 2023 by California Transportation Commission (CTC) and \$23 million in Congestion Mitigation and Air Quality/Surface Transportation Block Grant funds in June 2024 by Southern California Association of Governments. Design and right-of-way (ROW) services are now underway and in order to expedite project delivery, the project will be delivered in two segments: Segment 2A: I-15 to Sierra Avenue and Segment 2B: Sierra Avenue to Pepper Avenue.

Final Geometric Approval Drawings for both segments were approved by Caltrans on May 20, 2024. The 95% Plans, Specifications, and Estimates submittals for Segment 2A were submitted in July 2024, and are targeted to be submitted for 2B in September 2024, respectively.

A ROW Acquisition Incentive Payment Program was approved by the Board of Directors (Board) in July 2023 to expedite the acquisition of the necessary ROW for the project. Currently, out of the 33 ROW offers made to property owners, 29 have either been accepted or settled. While the Resolutions of Necessity for the remaining five parcels are being initiated and scheduled for a public hearing at the September 2024 SBCTA Board meeting. Staff will continue to negotiate with the property owners and attempt to achieve negotiated sales for the necessary property interests. In addition, staff is in discussion with Union Pacific Railroad on six of their parcels that involve a permanent easement and temporary construction easements.

It is anticipated that the final design package will be advertised for construction in spring 2025 for Segment 2A and summer 2025 for Segment 2B. A Public Outreach program will be developed and will be maintained during the construction phases. This \$796 million project is funded by a combination of Federal, State, and Measure I funds.

Financial Impact:

This item is consistent with the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Kristi Harris, Director of Project Delivery

Approved
Board of Directors Metro Valley Study Session
Date: August 15, 2024

Witnessed By:

Minute Action

AGENDA ITEM: 4

Date: August 15, 2024

Subject:

Interstate 10 Corridor Freight and Express Lane Project Contract 2 - Preview of the Hearings to Consider Resolutions of Necessity for Property Interests

Recommendation:

That the following be reviewed and recommended for final approval by the Board of Directors (Board), acting as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

A. Conduct public hearings to consider condemnation of real property required for the Interstate 10 Corridor Freight and Express Lanes Project - Contract 2 in the City of Ontario and unincorporated areas of San Bernardino County.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-001 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shea Center Ontario (Assessor's Parcel Numbers 0238-052-41, 0238-052-44 and 0238-052-46). The resolution must be approved by at least a two-thirds majority.

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-002 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: VID Enterprises, LLC (Assessor's Parcel Number 0238-052-53). The resolution must be approved by at least a two-thirds majority.

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-004 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Erwin Weinhart (Assessor's Parcel Numbers 0252-142-28 and 0252-142-29). The resolution must be approved by at least a two-thirds majority.

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-005 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ruben Zepeda (Assessor's Parcel Number 0252-142-19). The resolution must be approved by at least a two-thirds majority.

Background:

San Bernardino County Transportation Authority (SBCTA) is proceeding with the delivery of the Interstate 10 (I-10) Corridor Freight and Express Lanes Project - Contract 2 (Project). The acquisition of temporary construction easements (TCE), permanent easements, and partial fee areas from 39 properties is required to construct and operate the Project.

On March 1, 2023, the SBCTA Board of Directors (Board) approved Cooperative Agreement No. 23-1002935 with the California Department of Transportation (Caltrans) for Right-of-Way (ROW) phase of this Project, defining SBCTA's role as the lead agency for acquisition of ROW.

Entity: San Bernardino County Transportation Authority

Costs to acquire the necessary ROW on this Project will be funded with Measure I Funds. At the same meeting, the Board authorized staff to complete the appraisal of properties identified and to make offers of just compensation to the property owners for the acquisition of property necessary for the Project.

In an effort to maintain the Project schedule, it is necessary to comply with the statutorily-prescribed process for eminent domain and conduct hearings for a Resolution of Necessity for each property while negotiations continue. Therefore, the purpose of this agenda item is to present information regarding the public interest and necessity for the Project and the property rights required for Project implementation. Although the adoption of Resolutions of Necessity is recommended for the subject properties in order to maintain the Project schedule and avoid delay costs, SBCTA's acquisition agents will continue to negotiate with the property owners in an effort to acquire the property interests through a voluntary purchase and avoid litigation.

The owners of the subject properties are:

- Shea Center Ontario
- VID Enterprises, LLC
- Erwin Weinhart
- Ruben Zepeda

Support for the Resolutions of Necessity

SBCTA is authorized to acquire property by eminent domain pursuant to the California Public Utilities Code Sections 130220.5 and 130809(b)(4). Eminent domain will allow SBCTA to obtain legal rights to the properties needed for the Project if a negotiated sale cannot be reached. A Resolution of Necessity is the first step in the eminent domain process. Since the process takes several months, it is necessary to start this process now to ensure that possession of the property is obtained in time to meet the scheduled delivery and to avoid costly ROW delays.

In order to adopt the Resolutions of Necessity, SBCTA must make the four findings discussed below for each of the properties. The issue of the amount of just compensation for these properties is not addressed by these Resolutions of Necessity and is not to be considered at the hearings. The four necessary findings are:

1. The public interest and necessity require the Project.

The Project is located in the Cities of Ontario, Fontana, Rialto, and Colton, as well as unincorporated areas of San Bernardino County. The Project will add a single express lane, in each direction, along the I-10 from the Interstate 15, in the City of Ontario, to Pepper Avenue, in the City of Colton, a length of approximately 11 miles, connecting to the I-10 Corridor Freight and Express Lanes Contract 1, currently under construction.

The purpose of the Project is to improve traffic operations on the I-10 corridor in San Bernardino County to:

- Reduce congestion
- Increase throughput

- Enhance trip reliability
- Accommodate long-term congestion management of the corridor

If no improvements are made to the freeway, the existing and future traffic congestion will likely become worse with a potential of increased traffic delays and related accidents.

2. The Project is planned and located in a manner that will be most compatible with the greatest public good and least private injury.

During the environmental phase, various design alternatives were considered to minimize the properties required for the Project. Subsequently, an analysis of implementing a single express lane under this Project, rather than the dual express lanes approved in the environmental document, showed that constructing a single express lane would reduce the fee acquisitions from 85 properties and 13 full acquisitions to five properties and zero full acquisitions. However, the Project still requires partial acquisitions, temporary construction easements, and permanent easements.

SBCTA's acquisition agents have had numerous communications with each of the property owners and design staff about Project impacts in order to design the Project in a manner that causes the least private injury while accomplishing the greatest public good. Some examples include constructing retaining walls to minimize the additional area needed for the widening of the freeway, installation of soundwalls to mitigate noise impacts, and maintaining access to properties during construction of the Project.

3. Each property sought to be acquired is necessary for the Project.

While portions of the Project are being constructed within existing ROW, the Project requires acquisition of the property interests listed below:

- **Shea Center Ontario.:** Two Fee Acquisitions and three TCEs are needed for the construction of the Project.
- **VID Enterprises, LLC:** A Drainage Easement is needed for the construction of the Project improvements.
- **Erwin Weinhart:** A TCE is needed for the construction of the Project improvements.
- **Ruben Zepeda:** A TCE is needed for the construction of the Project improvements.

4. Offers required by Section 7267.2 of the Government Code have been made to the property owners.

The properties listed below were appraised and offers for the full amount of the appraisals were made to the owner or owners of record in accordance with Section 7267.2 of the Government Code.

- The offer for the Shea Center Ontario Property was presented on May 31, 2024.
- The offer for the VID Enterprises, LLC Property was presented on June 26, 2024.
- The offer for the Erwin Weinhart Property was presented May 14, 2024.
- The offer for the Ruben Zepeda Property was presented on May 31, 2024.

Board of Directors Metro Valley Study Session Agenda Item

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Financial Impact:

The I-10 Corridor Freight and Express Lanes Project Contract 2 is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Measure I Funds in Program 40, Project Delivery.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft resolutions.

Responsible Staff:

Tracy Escobedo, Management Analyst II

Approved
Board of Directors Metro Valley Study Session
Date: August 15, 2024

Witnessed By:

San Bernardino County Transportation Authority

I-10 Corridor Freight and Express Project Contract 2

RESOLUTION OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Tracy Escobedo
SBCTA Right-of-Way Coordinator



cta

San Bernardino County
Transportation Authority

Board of Directors
Metro Valley Study Session
August 15, 2024

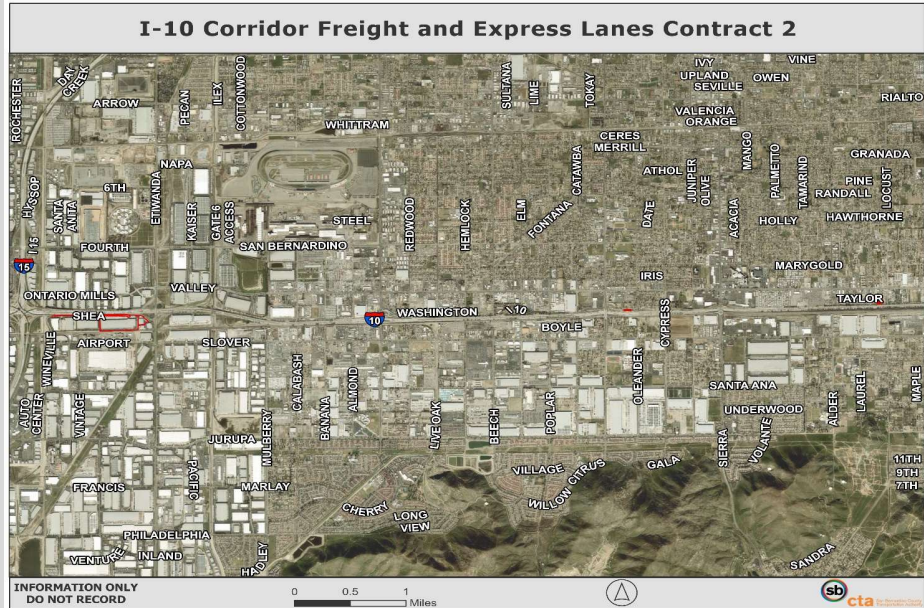
SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



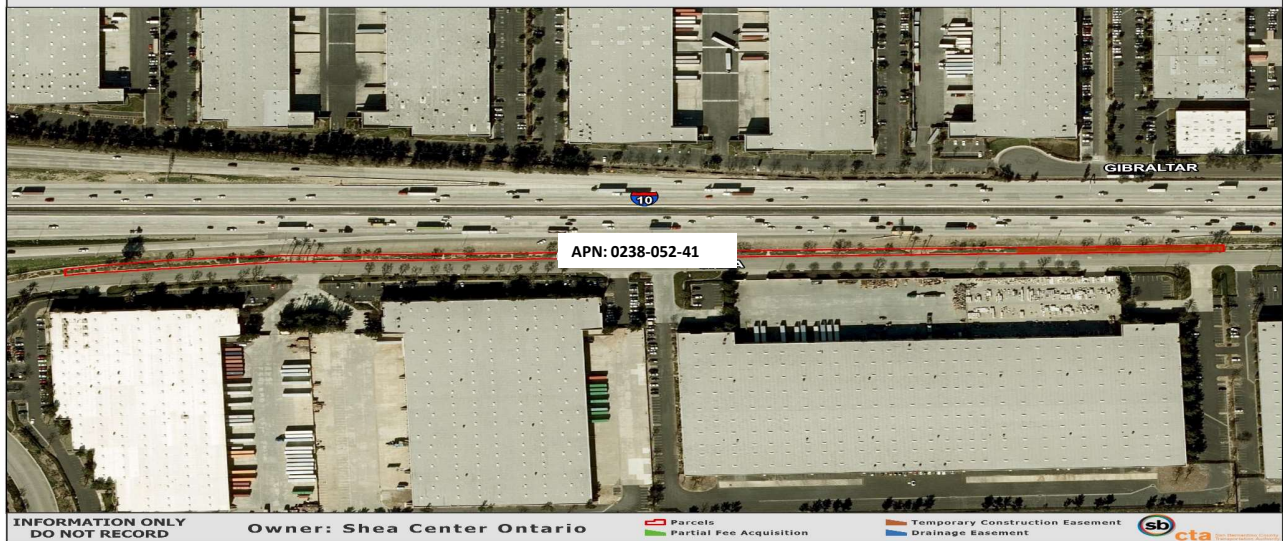
SBCTA Request

- This project provides a single express lane, in each direction, along the I-10 from the I-15, in the City of Ontario, to Pepper Avenue, in the City of Colton, a length of approximately 11 miles, connecting to the I-10 Corridor Contract 1 express lanes currently under construction.
- Project will improve eastbound acceleration lanes between Cherry Avenue to Citrus Avenue and Sierra Avenue to Cedar Avenue; and add auxiliary lanes in both directions from Riverside Avenue to Pepper Avenue.



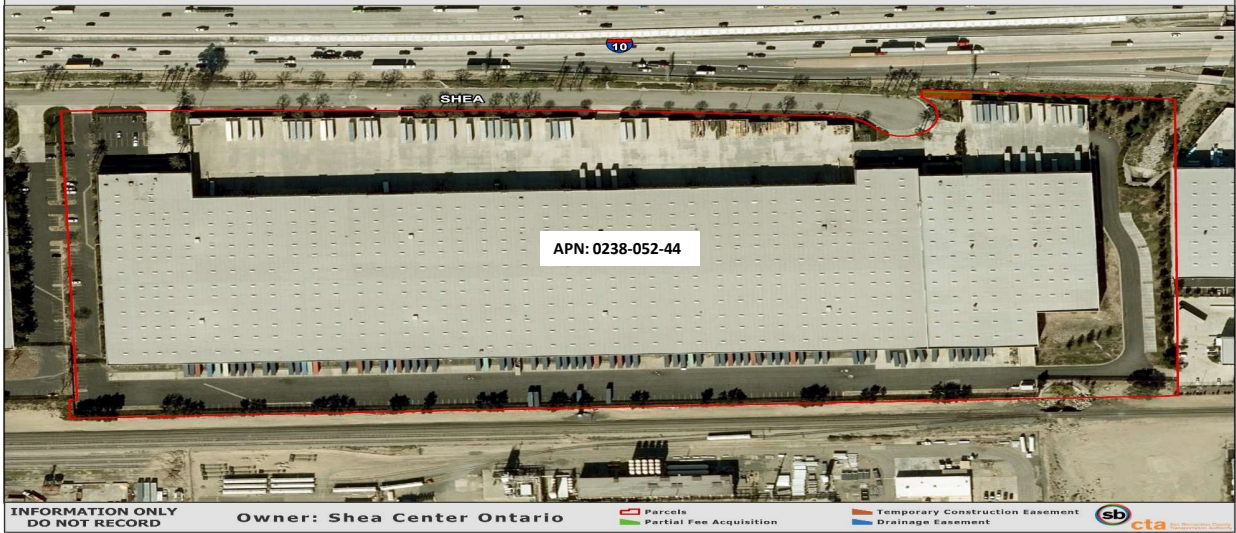
I-10 Corridor Freight and Express Lanes Contract 2

I-10 Corridor Freight and Express Lanes Contract 2



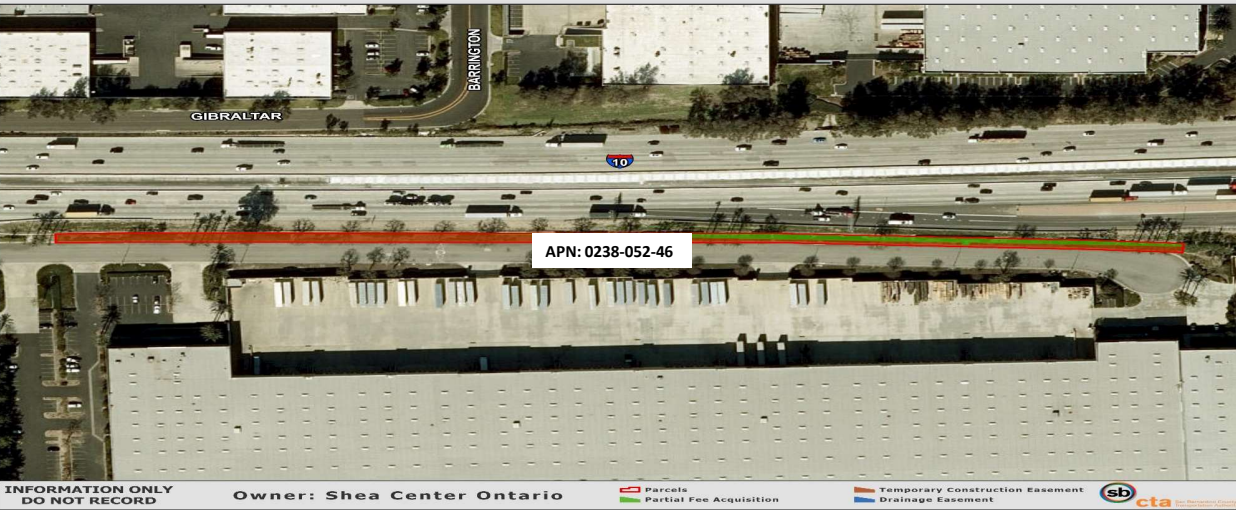
Parcel Location

I-10 Corridor Freight and Express Lanes Contract 2



Parcel Location

I-10 Corridor Freight and Express Lanes Contract 2



Parcel Location

Attachment: I-10 Contract 2 MVSS 8152024 PPT (10599 : I-10 Corridor Freight and Express Lanes Contract 2 Project - Dry Run RONs)

I-10 Corridor Freight and Express Lanes Contract 2



INFORMATION ONLY
DO NOT RECORD

Owner: VID Enterprises LLC

Parcels
Partial Fee Acquisition

Temporary Construction Easement
Drainage Easement



Parcel Location

I-10 Corridor Freight and Express Lanes Contract 2



INFORMATION ONLY
DO NOT RECORD

Owner: Weinhart, Erwin

Parcels
Partial Fee Acquisition

Temporary Construction Easement
Drainage Easement



Parcel Location

I-10 Corridor Freight and Express Lanes Contract 2



Parcel Location

I-10 Corridor Freight and Express Lanes Contract 2



Parcel Location

Attachment: I-10 Contract 2 MVSS 8152024 PPT (10599 : I-10 Corridor Freight and Express Lanes Contract 2 Project - Dry Run RONs)

No.	Ownership	Date of First Contact	Mailings	In Person Meetings	Phone Contacts	E-Mails	Attorney Contacts	Unsuccessful Contacts *	Total
B.	Shea Center Ontario	9/6/2023	2	1	4	20	0	0	27
C.	VID Enterprises, LLC	9/12/2033	2	1	4	27	34	0	34
D.	Erwin Weinhart	9/29/2023	3	2	9	0	0	13	27
E.	Ruben Zepeda	9/12/2023	2	4	6	6	0	5	23
* Property visit, phone call and/or email with no response									
Communications as of July 31, 2024									



Communication Summary

Item	Ownership	Offer Date
B.	Shea Center Ontario	6/17/2024
C.	VID Enterprises, LLC	6/26/2024
E.	Erwin Weinhart	5/14/2024
F.	Ruben Zepeda	5/31/2024



Offer of Just Compensation

**SBCTA ADOPT A RESOLUTION OF NECESSITY
BASED ON THE FOLLOWING FINDINGS:**

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



Staff Recommendation

THANK YOU



Minute Action

AGENDA ITEM: 5

Date: August 15, 2024

Subject:

Interstate 10 Mount Vernon Avenue Interchange Improvement Project Cooperative Agreement Amendments with California Department of Transportation and City of Colton

Recommendation:

That the following be reviewed and recommended for final approval by the Board of Directors, acting as the San Bernardino County Transportation Authority (SBCTA), at a regularly scheduled Board meeting:

A. Authorize the Executive Director, or his designee, to execute Amendment No. 4 to Cooperative Agreement No. 18-1001904, with the City of Colton for the Interstate 10 (I-10) Mount Vernon Avenue Interchange Improvement Project (Project) to update the Project cost for a new total of \$94,124,490, consisting of \$4,837,429 City Developer Impact Fees and \$89,287,061 Measure I Funds, and extend the expiration date to December 31, 2031, upon approval as to form by SBCTA General Counsel.

B. Authorize the Executive Director, or his designee, to execute Amendment No. 1 to Cooperative Agreement No. 23-1002893, with the California Department of Transportation (Caltrans), to update construction cost, increase Department Furnished Materials to \$1,050,000, and add Landscape Maintenance language for the Project, upon approval as to form by SBCTA General Counsel.

Background:

The Interstate 10 (I-10) Mount Vernon Avenue Interchange Improvement Project (Project) holds position number eight on the Measure I Valley Freeway Interchange Program priority list. As directed by the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board), project development has commenced on all interchange projects in the top 10 of the list.

The purpose of this agenda item is to amend the cooperative agreements with the City of Colton (City) and California Department of Transportation (Caltrans) to update Project cost and to extend the expiration date of the agreement with the City. As the project moved into the 95% design phase, the Project experienced a large cost increase, both from a design and right-of-way (ROW) acquisition standpoint. On the design side, the Project saw a large increase in unit prices and the addition of several new items. A retaining wall was added to avoid impacts to a future development; additional wall and bridge aesthetics were added to meet landscape requirements, and additional guard rail, fiber optics, and miscellaneous items were upgraded to meet Caltrans requirements. On the ROW side, there are two gas stations on the Project with ongoing negotiations due to business impacts.

The Project is scheduled to obtain final design approval by late summer 2024, with the goal of advertising and awarding a construction contract by the end of 2024.

Recommendation A:

In February 2016, the Board approved Cooperative Agreement No. 15-1001228 with the City which details roles and responsibilities for completing a Project Study Report/Project Development Support (PSR/PDS). SBCTA and the City worked together to finalize the Project Initiation phase by completing the Project PSR/PDS document, which was approved in December 2018.

Entity: San Bernardino County Transportation Authority

Board of Directors Metro Valley Study Session Agenda Item

August 15, 2024

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In July 2018, concurrent with the PSR/PDS effort, the Board approved Cooperative Agreement No. 18-1001904 with the City, identifying roles, responsibilities, and funding for the Project Approval/Environmental Document (PA/ED), Plans, Specification, & Estimates (PS&E), and ROW phases of the Project. This agreement identified SBCTA as the lead for all phases of the Project, and the City as a Project partner.

In March 2019, the Board approved the Amended and Restated Cooperative Agreement No. 18-1001904 (Amendment No. 1) with the City to combine the roles and responsibilities of Cooperative Agreement No. 15-1001228 with Cooperative Agreement No. 18-1001904. This agreement consolidated roles, responsibilities, and funding commitments from both agreements into one agreement, consisting of Project Management, Project Initiation Document, PA/ED, PS&E and ROW activities of the Project.

In April 2022, the Board approved Amendment No. 1 to the Amended and Restated Cooperative Agreement No. 18-1001904 (Amendment No. 2) to process an adjustment with the City for the I-10 Pepper Avenue Project.

In February 2023, the Board approved the Second Amended and Restated Cooperative Agreement No. 18-1001904 (Amendment No. 3) to include the construction phase and the corresponding funding.

Staff recommends approval of Amendment No. 4 to Cooperative Agreement No. 18-1001904 (Amendment No. 1 to Second Amended and Restated Cooperative Agreement) with the City, to update the Project funding based on the latest engineer's estimate to provide a fully funded Project and to extend the expiration date by five years to December 31, 2031, to add additional time to complete final design, advertisement, and construction of the Project, including extended landscape maintenance. The City has presented the amendment to its August 6, 2024, City Council Meeting.

Recommendation B:

In January 2023, the Board approved Cooperative Agreement No. 23-1002893 with Caltrans to define the roles and responsibilities for the construction phase.

Staff recommends approval of Amendment No. 1 to Cooperative Agreement No. 23-1002893 with Caltrans to update the Project construction cost, increase Department Furnished Materials to \$1,050,000, and add landscape maintenance language to incorporate the three-year extended landscape maintenance period.

Financial Impact:

This item is consistent with the adopted Budget for Fiscal Year 2024/2025 under Task No. 0830 Interchange Projects, Sub-Task No. 0898 I-10 Mt Vernon Avenue Improvement Project, and funded by Measure I and Local Developer Impact Fees in Program 40, Project Delivery.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Enterprise Risk Manager have reviewed this item and the draft amendments.

Responsible Staff:

Juan Lizarde, Project Manager

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Contract Summary Sheet

5.a

General Contract Information

Contract No: 18-1001904 Amendment No.: 4
 Contract Class: Receivable Department: Project Delivery
 Customer ID: COLT CI Customer Name: City of Colton
 Description: I-10 MT VERNON AVENUE PID, PA/ED, PS&E AND R/W COOPERATIVE AGREEMENT
 List Any Accounts Payable Related Contract Nos.: 15-1001228 (PSR-PDS), 18-1001983 (MOU),

Dollar Amount							
Original Contract		\$	467,906.00	Original Contingency		\$	-
Prior Amendments		\$	3,320,105.00	Prior Amendments		\$	-
Current Amendment		\$	1,049,418.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	4,837,429.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	4,837,429.0

Contract Authorization

Board of Directors Date: 09/04/2024 Committee Item #

Contract Management (Internal Purposes Only)

Local				Funding Agreement				N/A				
Accounts Receivable												
Total Contract Funding:		\$		4,837,429.00		Funding Agreement No:		18-1001904				
Beginning POP Date:		03/06/2019		Ending POP Date:		06/30/2031		Final Billing Date:		09/30/2031		
Expiration Date:		12/31/2031		Z Contract:		18-1001980		PM Description: I-10 Mt Vernon PAED-CON City of Colton				
		Sub-						Sub-				
Fund	Prog	Task	Task	Revenue	Total Contract Funding:		Fund	Prog	Task	Task	Revenue	Total Contract Funding:
GL: 6010	40	0830	0898	42407009	4,837,429.00		GL:					-
GL:					-		GL:					-
GL:					-		GL:					-
GL:					-		GL:					-
GL:					-		GL:					-

Juan Lizarde

Project Manager (Print Name)

Kristi Harris

Task Manager (Print Name)

Additional Notes:

Attachment: 18-1001904-04_CSS [Revision 1] (9915 : I-10 Mt. Vernon Ave Interchange Coop Amendments with Caltrans & City of Colton)

**AMENDMENT NO. 1 TO
SECOND AMENDED AND RESTATED
COOPERATIVE AGREEMENT NO. 18-1001904 (18-1001904-04)**

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF COLTON

FOR

**PROJECT INITIATION DOCUMENT (PID), PROJECT APPROVAL AND
ENVIRONMENTAL DOCUMENT (PA/ED),
PLANS, SPECIFICATIONS AND ESTIMATE (PS&E), RIGHT OF WAY (ROW), AND
CONSTRUCTION AND LANDSCAPE MAINTENANCE PHASES
FOR THE MOUNT VERNON AVENUE AT INTERSTATE 10 (I-10) INTERCHANGE
IN THE CITY OF COLTON**

THIS AMENDMENT No. 1 to the SECOND AMENDED AND RESTATED COOPERATIVE AGREEMENT 18-1001904 (herein referred to as Amendment “18-1001904-04”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Colton (“CITY”). SBCTA and CITY may be referred to individually herein as a “Party” and collectively “Parties”.

WHEREAS, on March 9, 2016, the PARTIES entered into Cooperative Agreement No. 15-1001228 (Agreement No. 15-1001228) which provided for SBCTA to be lead agency to study and document the PROJECT as part of the Project Study Report/Project Development Support (PSR/PDS) document; and

WHEREAS, on August 8, 2018, the PARTIES entered into Cooperative Agreement No. 18-1001904 (Agreement No. 18-1001904) which provided for SBCTA to be lead agency on Project Management, PA/ED, PS&E, and ROW phases for the PROJECT; and

WHEREAS, on December 31, 2018, the term of Agreement No. 15-1001228 expired; and

WHEREAS, on March 21, 2019, the PARTIES amended and restated Agreement No. 18-1001904 (“AGREEMENT”) to combine the roles and responsibilities of Agreement No. 15-1001228 with Agreement No. 18-1001904 and to delineate roles, responsibilities, and funding commitments relative to Project Management, PID, PA/ED, PS&E, and ROW activities of the PROJECT; and

WHEREAS, on April 19, 2022, the PARTIES amended this AGREEMENT to reconcile the underpayment and overpayment of Developer Share and Public Share funds, respectively, in the amount of \$37,080 identified in the November 2021 Final Project Expenditure Summary (FPES) for the I-10/Pepper Avenue Interchange Project.

WHEREAS, on February 2, 2023, the PARTIES amended and restated the AGREEMENT to include the construction phase and add construction capital funds.

WHEREAS, the PARTIES desire to further amend this AGREEMENT to increase the cost estimate of the project to \$94,124,490.

WHEREAS, the PARTIES desire to further amend this AGREEMENT to extend the expiration date by five years to December 31, 2031, to cover final design, construction, plant establishment, extended landscape maintenance, and closeout.

NOW, THEREFORE, the PARTIES agree to amend the AGREEMENT as follows:

1. Section I.B. is revised in its entirety to read as follows:

“Unless this AGREEMENT is terminated early as provided in Section V, Paragraph F, this AGREEMENT shall terminate upon completion of the PARTIES’ obligations associated with the project initiation document (“PID”), project approval and environmental document (“PA/ED”), plans, specifications and estimate (“PS&E”), and right of way (“ROW”), Construction and Landscape Maintenance phases described herein or **December 31, 2031**, whichever is earlier in time. The indemnification provisions identified in Section V, Paragraphs D through E, shall survive the termination of this AGREEMENT. Should any claims arising out of this AGREEMENT be asserted against one of the PARTIES prior to the termination of this AGREEMENT, the AGREEMENT shall be extended until such time as the claims are settled, dismissed or paid.”

2. Attachment A-2 is revised in its entirety to read as reflected in Attachment A-3, attached to this Amendment 18-1001904-04.
3. Except as otherwise provided in this Amendment 18-1001904-04, all other provision of the AGREEMENT, including all previous amendments, shall remain in full force and effect.
4. The AGREEMENT and all amendments are incorporated into this Amendment 18-1001904-04, by this reference.

----- SIGNATURES ON THE FOLLOWING PAGE -----

IN WITNESS THEREOF, this Amendment 18-1001904-04 has been executed by the Parties hereto and is effective on the date signed by SBCTA.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF COLTON

By: _____
Raymond W. Wolfe
Executive Director

By: _____
William R. Smith
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

By: _____
City Attorney

DRAFT

Attachment A-3

Project Scope:

Improve local traffic operations along Mount Vernon Avenue between East Valley Boulevard and south of the Interstate 10 (I-10) eastbound ramp intersection, by adding left-turn lanes at the five point intersection of Mount Vernon Avenue and East Valley Boulevard.

Project Cost Estimate and Funding Shares:

SBCTA's Share: Public Share: 94.9%

City's Share: Development Share or Local Share: 5.1% (City of Colton)

Phase	Estimated Cost ¹	Public Share	Development Share
PID	\$539,000	\$511,511	\$27,489
PA/ED	\$1,833,746	\$1,740,225	\$93,521
PS&E	\$2,731,382	\$2,592,081	\$139,301
ROW	\$5,083,000	\$4,823,767	\$259,233
CONSTRUCTION	\$82,117,362	\$77,929,377	\$4,187,985
LANDSCAPE MAINTENANCE	\$870,000	\$825,630	\$44,370
SBCTA Oversight	\$950,000	\$901,550	\$48,450
Adjustment for I-10/Pepper FPES ²	\$0	-\$37,080	\$37,080
Total	\$94,124,490	\$89,287,061	\$4,837,429

¹Estimated cost assumes analysis of one build alternative.

²The I-10/Pepper adjustment payment in the amount of \$37,080 has been received and processed (Check #200384).

Project Milestones:

Milestone ¹	Actual (Forecast)
Start of Project Approval and Environmental Document Phase (PA/ED)	01/2019
Environmental Approval	04/2022
Design Approved and ROW Certified	(10/2024)
Complete for Beneficial Use	(10/2027)

¹Milestone assumes analysis of one build alternative with design variations. Anticipated environmental determination under CEQA is an IS/MND and under NEPA a Categorical Exclusion.

General Contract Information

Contract No: 23-1002893 Amendment No.: 1Contract Class: Payable Department: Project DeliveryVendor No.: 00450 Vendor Name: California Department of TransportationDescription: I-10 MT VERNON AVENUE CONSTRUCTION COOPERATIVE AGREEMENT

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	751,000.00	Original Contingency		\$	-
Prior Amendments				Prior Amendments		\$	-
Current Amendment		\$	299,000.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,050,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	1,050,000.00

Contract Authorization

Board of Directors _____ Date: 09/04/2024 _____ Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? N/A _____ No Budget Adjustment _____

Local _____ Funding Agreement _____ N/A _____

Accounts Payable

Estimated Start Date:		12/07/2022		Expiration Date:		12/31/2039		Revised Expiration Date:			
NHS:		Yes		QMP/QAP:		N/A		Prevailing Wage:		N/A	
								Total Contract Funding:		Total Contingency:	
Fund		Prog		Task		Sub-Task		Object		Revenue	
PA Level		Revenue Code		Name				\$		1,050,000.00	
GL:		6010		40		0830		0898		53701	
42407009		650		CITY DIF				\$		53,550.00	
GL:		4120		40		0830		0898		53701	
41100000		650		MSI				\$		996,450.00	
GL:										-	
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GL:										-	

Juan Lizarde

Kristi Harris

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Agreement 08-1764 A-1

Project No. 0816000102

EA 1G800

08-SBD-010-R22.7/R24.3

SBCTA Agreement 23-1002893-01

AMENDMENT NO. 1 TO AGREEMENT 08-1764 (Draft)

This Amendment No. 1 (AMENDMENT) to Agreement 08-1764 (AGREEMENT), effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

San Bernardino County Transportation Authority, a public entity, referred to hereinafter as SBCTA.

RECITALS

1. CALTRANS and SBCTA, collectively referred to as PARTIES, entered into Agreement No. 1764 on May 26, 2023 (AGREEMENT), defining the terms and conditions to replace Mount Vernon Avenue overcrossing (Bridge No. 54-0459) on Interstate 10 between 9th Street undercrossing and route 10/215 separation in the City of Colton (referred to as PROJECT).
2. The AGREEMENT established does not provide which party has the responsibility of landscape maintenance.
3. The AGREEMENT also established \$9,780,000 for Construction SUPPORT and \$52,960,000 for Construction CAPITAL.
4. PARTIES now seek to decrease SUPPORT to \$7,950,000 and increase CAPITAL to \$75,350,000 and to add a new Article 46.A under Construction addressing roles and responsibilities for landscape maintenance.

IT IS THEREFORE MUTUALLY AGREED:

1. Article 46.A is added to the AGREEMENT to read as follows:

“Upon completion of the construction contract under this agreement, SBCTA shall provide one (1) year plant establishment period, and assume maintenance and the expense thereof for PROJECT, at its own expense, for a three (3) year landscape maintenance period to establish existing planting (EEP), after which, CALTRANS assumes full responsibility for maintenance. SBCTA’s maintenance responsibilities include, but are not limited to, inspection, providing emergency repair, weed abatement, litter removal, replacement, and maintenance of landscaping (including network connectivity of the irrigation controllers) within PROJECT limits. SBCTA shall make all necessary arrangements with the local utility company for payment and billing of water supplied for PROJECT. After which, at the completion of establish existing planting (EEP), CALTRANS will make arrangements with the utility company to transfer billing and be responsible for payment of water supplied for PROJECT.”

Agreement 08-1764 A-1

Project No. 0816000102

EA 1G800

08-SBD-010-R22.7/R24.3

SBCTA Agreement 23-1002893-01

2. A revised FUNDING SUMMARY NO 2 is attached and made part of the AGREEMENT. Any reference to the FUNDING SUMMARY in the AGREEMENT is deemed to refer to the revised FUNDING SUMMARY NO 2 attached herein.
3. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
4. This AMENDMENT is deemed to be included and made a part of the AGREEMENT.

SIGNATURES ON NEXT PAGE

Attachment: 23-1002893-01_Coop (9915 : I-10 Mt. Vernon Ave Interchange Coop Amendments with Caltrans & City of Colton)

Agreement 08-1764 A-1

Project No. 0816000102

EA 1G800

08-SBD-010-R22.7/R24.3

SBCTA Agreement 23-1002893-01

SIGNATURES

PARTIES are empowered by the law to enter into this AMENDMENT and have delegated to the undersigned the authority to execute this AMENDMENT on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this AMENDMENT.

This AMENDMENT may be executed and delivered in counterparts, and by each PARTY in a separate counterpart, each of which when so executed and delivered shall constitute an original and all of which taken together shall constitute one and the same instrument.

The PARTIES acknowledge that executed copies of this AMENDMENT may be exchanged by facsimile or email, and that such copies shall be deemed to be effective as originals.

**STATE OF CALIFORNIA
DEPARTMENT OF
TRANSPORTATION**

Catalino A. Pining III
District Director

Verification of funds and authority:

Corina Harriman
District Budget Manager

Certified as to financial terms and policies:

Darwin Salmos
HQ Accounting Supervisor

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**
(not for signature at this time)

Raymond W. Wolfe
Executive Director

Approved as to form:

Julianna K. Tillquist
General Counsel

Agreement 08-1764 A-1

Project No. 0816000102

EA 1G800

08-SBD-010-R22.7/R24.3

SBCTA Agreement 23-1002893-01

FUNDING SUMMARY NO. 02

<u>FUNDING TABLE</u> v. 2					
<u>IMPLEMENTING AGENCY→</u>			<u>SBCTA</u>		Totals
Source	Party	Fund Type	CONST. SUPPORT	CONST. CAPITAL	
LOCAL	SBCTA	Local	7,950,000	75,350,000	83,300,000
Totals			7,950,000	75,350,000	83,300,000

<u>SPENDING SUMMARY</u> v. 22					
Fund Type	CONST. SUPPORT		CONST. CAPITAL		Totals
	CALTRANS	<u>SBCTA</u>	<u>SBCTA</u>	DFM CALTRANS	
Local	0	7,950,000	74,300,000	1,050,000	83,300,000
Totals	0	7,950,000	74,300,000	1,050,000	83,300,000

Attachment: 23-1002893-01_Coop (9915 : I-10 Mt. Vernon Ave Interchange Coop Amendments with Caltrans & City of Colton)

Funding

1. If there are insufficient funds available in this AGREEMENT to place the PROJECT right-of-way in a safe and operable condition, the appropriate IMPLEMENTING AGENCY will fund these activities until such time as PARTIES amend this AGREEMENT.

That IMPLEMENTING AGENCY may request reimbursement for these costs during the amendment process.

2. If there are insufficient funds in this AGREEMENT to implement the obligations and responsibilities of this AGREEMENT, including the applicable commitments and conditions included in the PROJECT environmental documentation, permits, agreements, and/or approvals that are in effect at a time that WORK stops, each PARTY accepts responsibility to fund their respective WORK until such time as PARTIES amend this AGREEMENT.

Each PARTY may request reimbursement for these costs during the amendment process.

3. The cost of any engineering support performed by CALTRANS includes all direct and applicable indirect costs. CALTRANS calculates indirect costs based solely on the type of funds used to pay support costs. State and federal funds administered by CALTRANS are subject to the current Program Functional Rate. All other funds are subject to the current Program Functional Rate and the current Administration Rate. The Program Functional Rate and Administration Rate are adjusted periodically.

In accordance with California Senate Bill 848, the Administration Rate is capped at 10 percent until January 1, 2023, for Self-Help Counties with a countywide sales tax measure dedicated to transportation improvements.

Invoicing and Payment

4. PARTIES will invoice for funds where the SPENDING SUMMARY shows that one PARTY provides funds for use by another PARTY. PARTIES will pay invoices within forty-five (45) calendar days of receipt of invoice when not paying with Electronic Funds Transfer (EFT). When paying with EFT, SBCTA will pay invoices within five (5) calendar days of receipt of invoice.

5. If SBCTA has received EFT certification from CALTRANS then SBCTA will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.
6. When a PARTY is reimbursed for actual cost, invoices will be submitted each month for the prior month's expenditures. After all PROJECT COMPONENT WORK is complete, PARTIES will submit a final accounting of all PROJECT COMPONENT costs. Based on the final accounting, PARTIES will invoice or refund as necessary to satisfy the financial commitments of this AGREEMENT.

CONSTRUCTION Support

7. No invoicing or reimbursement will occur for the CONSTRUCTION SUPPORT PROJECT COMPONENT.

CONSTRUCTION Capital

8. No invoicing or reimbursement will occur for the CONSTRUCTION CAPITAL PROJECT COMPONENT.

Department Furnished Materials (DFM)

9. CALTRANS will invoice SBCTA for a \$100,000 initial deposit after execution of this AGREEMENT and forty-five (45) working days prior to the commencement of construction expenditures. This deposit represents one (1) month's/two (2) months' estimated costs.

Minute Action

AGENDA ITEM: 6

Date: August 15, 2024

Subject:

State Route 210 Waterman Avenue Interchange Project - Amendment No. 2 to Cooperative Agreement No. 22-1002720 with the City of San Bernardino

Recommendation:

That the following be reviewed and recommended for final approval by the Board of Directors, acting as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

Approve Amendment No. 2 to Cooperative Agreement No. 22-1002720 with the City of San Bernardino for the State Route 210 Waterman Avenue Interchange Project, increasing the total project cost by \$1,773,658, funded by Measure I Valley Interchange Program contribution of \$1,450,852 and City of San Bernardino Development Impact Fees of \$322,806, for a new not-to-exceed receivable amount of \$1,948,934, to be funded with City of San Bernardino local funds.

Background:

The State Route (SR) 210 Waterman Avenue Interchange Project (Project) will address congestion and improve freeway access for the area by improving the eastbound on-ramp to SR 210 from Waterman Avenue, which is SR 18 to the north. On January 5, 2022, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved funding for this Project through the Measure I Valley Interchange Phasing Program. At the same meeting, SBCTA and the City of San Bernardino (City) entered into Cooperative Agreement No. 22-1002720 for roles and responsibilities for the development, construction, and funding of the Project. Under the agreement, SBCTA will lead the design and administer the construction contract and the City will contribute its share according to the SBCTA Nexus formula. The cost estimate used for the cooperative agreement was based on very early and preliminary design concepts.

In early 2024, the draft 100% Plans, Specifications, and Estimates (PS&E) was completed and submitted to California Department of Transportation (Caltrans) for final review. Based on the cost estimate for the draft 100% PS&E package and taking into account the trends with recent bids for other projects for cost of concrete and labor, SBCTA and City staff agreed to increase the Project amount in the agreement. On May 1, 2024, Amendment No. 1 to Cooperative Agreement No. 22-1002720 was fully executed.

On May 31, 2024, the Project was advertised to potential bidders. On July 3, 2024, the Board authorized the Executive Director, or his designee, to award the construction contract subject to the lowest bidder meeting the requirements of the Invitation for Bids and approval as to form by SBCTA General Counsel. On July 16, 2024, seven bids were opened ranging from a low bid of \$7,175,766 to a high bid of \$13,996,410. The apparent low bid exceeded the engineer's estimate that was used for the latest funding table in Cooperative Agreement No. 22-1002720, resulting in a net Project cost increase of \$1,773,658 above the authorized amount in the cooperative agreement. As such, an amendment to the cooperative agreement will be necessary to proceed with the award of the contract. Staff is recommending that the Board approve Amendment No. 2 to Cooperative Agreement No. 22-1002720 and increase the Measure I contribution by \$1,450,852 and the receivable amount from the City by \$322,806. City staff anticipates taking this cooperative agreement amendment to the September 4, 2024 City Council meeting.

Entity: San Bernardino County Transportation Authority

Board of Directors Metro Valley Study Session Agenda Item

August 15, 2024

Page 2

The Interchange Phasing Program allows for a maximum project cost of \$10 million. With an 81.8% Public Share contribution in accordance with the 2020 SBCTA Nexus Study, the maximum Measure I contribution would be \$8,180,000 for all phases of the Project. Considering the Measure I contribution from the last amendment to the cooperative agreement of \$6,409,739, a balance of \$1,770,261 remains available before this amendment.

Financial Impact:

This Project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Valley Interchange Measure I funds and City of San Bernardino local funds in Program 40, Project Delivery under Task 0830 Interchange Projects, Sub Task 0814 SR 210 Waterman Avenue.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

Responsible Staff:

Paul Melocoton, Project Manager

Approved
Board of Directors Metro Valley Study Session
Date: August 15, 2024

Witnessed By:

General Contract Information

Contract No: 22-1002720 Amendment No.: 2

Contract Class: Receivable Department: Project Delivery

Customer ID: SB CI Customer Name: City of San Bernardino

Description: SR 210 Waterman Avenue Interchange Project

List Any Accounts Payable Related Contract Nos.: 22-1002727, 22-1002705

Dollar Amount							
Original Contract		\$	1,398,270.00	Original Contingency		\$	-
Prior Amendments		\$	227,858.00	Prior Amendments		\$	-
Prior Contingency Released		\$	-	Prior Contingency Released (-)		\$	-
Current Amendment		\$	322,806.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,948,934.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	1,948,934.00

Board of Directors Date: 09/04/2024 Committee Item #

Contract Management (Internal Purposes Only)

Local Funding Agreement N/A

Accounts Receivable											
Total Contract Funding:		\$		1,948,934.00		Funding Agreement No:		22-1002720			
Beginning POP Date:		01/05/2022		Ending POP Date:		12/31/2026		Final Billing Date:		04/30/2027	
Expiration Date:		12/31/2026		Fund Admin:		Yes					
Parent Contract		22-1002720		PM Description		SR 210 Waterman San Bernardino Funds					
Z-Related Contracts		22-1002720									
Sub-						Sub-					
Fund	Prog	Task	Task	Revenue	Total Contract Funding:	Fund	Prog	Task	Task	Revenue	Total Contract Funding:
GL	6010	40	0830	0814	42421013	1,948,934.00	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-

Paul Melocoton

Project Manager (Print Name)

Kristi Harris

Task Manager (Print Name)

Additional Notes: Ending POP and Final Billing dates are advisory. Agreement expires 12/31/2026 or when work complete and paid if earlier.

AMENDMENT NO. 2 TO COOPERATIVE AGREEMENT NO 22-1002720
BETWEEN
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
AND
CITY OF SAN BERNARDINO
FOR
PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA/ED),
PLANS, SPECIFICATIONS AND ESTIMATE (PS&E), RIGHT OF WAY (ROW), AND
CONSTRUCTION PHASES
FOR THE WATERMAN AVENUE AT STATE ROUTE 210 (SR-210) INTERCHANGE
IN THE CITY OF SAN BERNARDINO

I. PARTIES

- A. This Amendment No. 2 to Cooperative Agreement 22-1002720 (AGREEMENT) is made by and between the San Bernardino County Transportation Authority (SBCTA) and the City of San Bernardino (CITY). SBCTA and CITY are each a "PARTY" and collectively the "PARTIES" herein.

II. RECITALS

- A. In January 2022, PARTIES entered into AGREEMENT to define roles, responsibilities and funding for improvements for the PA/ED, PS&E, ROW, and CONSTRUCTION phases for the first phase of improvements at State Route 210 (SR-210) and Waterman Avenue in the City of San Bernardino (PROJECT); and
- B. The PROJECT is identified as eligible for funding under the Valley Interchange Phasing program with a \$10 Million PROJECT cost limit and 81.8% public share; and
- C. PARTIES completed the draft 100% plans and specifications in February 2024; and
- D. In April 2024, PARTIES entered Amendment No. 1 to AGREEMENT to reflect estimated cost increases in the Construction phase for PROJECT based on the draft 100% plans and specifications; and
- E. In May 2024, the construction contract for PROJECT was advertised for bids; and
- F. On July 16, 2024, bids were opened on PlanetBids, SBCTA's online procurement program; and
- G. The apparent lowest bid was greater than the estimate used for Amendment No. 1 to the AGREEMENT, which necessitates another amendment to AGREEMENT to reflect the increased cost; and

- H. The increase in the construction phase resulted in a total PROJECT cost increase of \$1,773,658, comprised of an increase of \$322,806 of Development/Local Share and an increase of \$1,450,852 of Public Share; and
- I. PARTIES desire to amend AGREEMENT to define funding responsibilities for the estimated cost increase of PROJECT.

NOW, THEREFORE, the PARTIES agree to amend the AGREEMENT as follows:

1. Attachment A.1 to the AGREEMENT shall be deleted in its entirety and replaced with Attachment A.2, attached to this Amendment No. 2 and incorporated herein by reference.
2. Except as amended by this Amendment No. 2, all other provisions of the AGREEMENT shall remain in full force and effect and are incorporated herein by this reference.
3. Amendment No. 2 is deemed to be included and made part of the AGREEMENT.
4. The Recitals set forth above are incorporated herein by this reference.
5. Amendment No. 2 is effective upon execution by SBCTA and CITY.
6. Unless otherwise defined herein, all capitalized terms used in this Amendment No. 2 shall have the same meaning as defined in the AGREEMENT.

-----Signatures on Following Page-----

IN WITNESS WHEREOF, PARTIES have duly executed Amendment No. 2 to Agreement No. 22-1002720 below:

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF SAN BERNARDINO

By: _____
Ray Marquez
President, Board of Directors

By: _____
Rochelle Clayton
Acting City Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

By: _____
Sonia R. Carvalho
City Attorney

DRAFT

Amendment No. 2 to Cooperative Agreement 22-1002720

Attachment A.2

Project Scope:

At the Waterman Avenue State Route 210 (SR 210) interchange, convert southbound and northbound through lane into a left-turn lane and widen eastbound on-ramp to two lanes.

Project Cost Estimate and Funding Shares

SBCTA's Share: Public Share: 81.8%

City's Share: Development Share or Local Share: 18.2% (City of San Bernardino)

	Estimated Costs	Public Share	Development/ Local Share
PA/ED	\$207,285	\$169,559	\$37,726
PS&E	\$501,848	\$410,512	\$91,336
ROW	\$0	\$0	\$0
Construction	\$8,900,392	\$7,280,521	\$1,619,871
SBCTA Oversight	\$200,000	\$0	\$200,000
TOTAL	\$9,809,525	\$7,860,591	\$1,948,934

Minute Action

AGENDA ITEM: 7

Date: August 15, 2024

Subject:

Update on the Measure I Valley Freeway Interchange Phasing Program

Recommendation:

That the following be reviewed and recommended for final approval by the Board of Directors, acting as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

Reduce the set-aside of Measure I Valley Freeway Interchange Phasing Program funds to \$23 million from the original \$40 million authorized for the program in December 2016. These remaining funds shall be accessible for the following projects, based on requests previously received from the respective cities: Interstate 10/Wildwood Canyon Interchange in the City of Yucaipa, State Route (SR) 210/Waterman Avenue Interchange in the City of San Bernardino, SR-210/5th Street Interchange in the City of Highland, and the SR-60/Euclid Avenue Interchange in the City of Ontario.

Background:

In December 2016, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved an Interchange Phasing Program for the Measure I Valley Freeway Interchange Program (Phasing Program), resulting from the Board's direction to re-examine the San Bernardino Valley interchange priority list and evaluate lower-cost phased improvements to stretch resources to an even greater number of interchanges. The 2017 update to the 10-Year Delivery Plan included a \$40 million reserve for the newly adopted Phasing Program. The 2019 and 2021 updates continued to include funding for the Phasing Program.

The structure of the Phasing Program is that specific allocation requests from local jurisdictions are brought to the Board for approval, consistent with Valley Freeway Interchange (VFI) Program Measure I 2010-2040 Strategic Plan Policy No. 40005 VFI-36 on a "first-come/first-served" basis. The policy limits the cost of the phased improvements to \$10 million per interchange, with the local share being determined by the table on interchange "fair shares" in the SBCTA Development Mitigation Nexus Study. Since its adoption, the Phasing Program has prompted action on several interchanges for phased improvements. As identified in Section 4.3.4 of the 2021 update to the 10-Year Delivery Plan, three projects have been initiated to date: Interstate 10 (I-10)/Wildwood Canyon Interchange in the City of Yucaipa, State Route (SR) 210/Waterman Avenue Interchange in the City of San Bernardino, and SR-210/5th Street Interchange in the City of Highland. The 10-Year Delivery Plan states that SBCTA expects to allocate more of the interchange phasing funding in the future; however, the magnitude of the Freeway Interchange Program being delivered over the next five years could require delays to further commitments for the Phasing Program. In addition, the California Department of Transportation (Caltrans) State Highway Operations and Protection Program (SHOPP) and Minor Projects Program have also helped to fill funding gaps for other phased interchange improvements, such as improvements to selected ramps at I-10/Mountain View Avenue in the City of Loma Linda and I-10/California Street in the City of Redlands.

Entity: San Bernardino County Transportation Authority

Staff presented the status of the Phasing Program to the Board at the November 2023 meeting, requesting further direction. At the time, staff had no knowledge about other potential Phasing Program requests or about projects local jurisdictions may have in the pipeline. Out of the \$40 million being reserved for the phasing projects, \$18.5 million can be considered as committed funding. This would include Waterman Avenue at SR-210 (\$7.9 million) in the City of San Bernardino, 5th Street at SR-210 (capped at \$5.6 million) in the City of Highland, and Wildwood Canyon Road at I-10 (capped at \$5 million) in the City of Yucaipa.

It was explained to the Board that if future demand for funding under the Phasing Program will be limited or non-existent, other plans for some of the remaining funding could be made for interchange projects outside the Phasing Program. To determine the potential extent of additional phased projects, staff requested authorization to issue a “request for information” to Valley jurisdictions regarding interchange phasing projects that are in the pipeline. This was structured as a final solicitation of interest for projects that are on the phasing list (not just any interchange). The request for information was provided on November 27, 2023, to City Managers in the Valley, the County Administrative Officer, and local Valley representatives of the Transportation Technical Advisory Committee (TTAC). An ample amount of time was provided to the jurisdictions to determine whether one or more such projects could be forthcoming, along with the potential timeline and cost. It was indicated that, following the receipt of responses, staff would bring back to the Board a set of options for using that funding to foster other interchange project development, or it could be used to reduce potential future borrowing needs for the overall Freeway Interchange Program. An additional email to jurisdictions was provided on February 27, 2024, reminding them about this opportunity, and mention was also made at two TTAC meetings. The list of eligible projects under the Interchange Phasing Program is shown in Table 1 on the following page.

Table 1. List of Phases in the Valley Freeway Interchange Phasing Program

INTERCHANGE PHASING PROGRAM (in alphabetical order)

INTERCHANGE	PHASE IMPROVEMENT
I-10/California	Widen eastbound off-ramp
I-10/Euclid	Median southbound left turn (& restripe eastbound off-ramp)
I-10/Mountain View-A	Add side-by-side single left turn lanes
I-10/Mountain View-B	Widen eastbound off-ramp
I-10/Wildwood*	Construct partial interchange, remove rest stop
I-215/Palm-A	Widen northbound right turn ramp
I-215/Palm-B	Add westbound left turn pocket
SR-210/5th-A*	Widen northbound off-ramp
SR-210/5th-B*	Improve westbound between northbound & southbound intersections
SR-210/Del Rosa-A	Dual northbound left turn & widen westbound on-ramp & widen Del Rosa between Date & eastbound ramps
SR-210/Del Rosa-B	Widen eastbound off-ramp
SR-210/Waterman-A*	Add right turn to eastbound off-ramp
SR-210/Waterman-B*	Add 2 nd southbound right turn on Waterman approaching 30 th
SR-210/Waterman-C*	Restripe southbound at eastbound ramp & widen eastbound ramp
SR-60/Euclid-A	Widen eastbound off-ramp
SR-60/Euclid-B	Add northbound dual left turn at westbound ramps & northbound thru lane at eastbound ramps
SR-60/Euclid-C	Add southbound dual left turn at eastbound ramps
SR-60/Grove-A	Widen eastbound off-ramp
SR-60/Grove-B	Widen westbound off-ramp
SR-60/Grove-C	Northbound & southbound dual left turn lanes
SR-60/Mountain-A	Widen westbound off-ramp
SR-60/Mountain-B	Add southbound right turn lane at westbound ramps
SR-60/Ramona-A	Widen eastbound off-ramp
SR-60/Ramona-B	Add northbound left turn at westbound on-ramp
SR-60/Vineyard-A	Widen eastbound off-ramp
SR-60/Vineyard-B	Widen westbound off-ramp
SR-60/Vineyard-C	Northbound & southbound dual left turns

*Phasing improvements under development.

While several inquiries were received concerning potential requests for funding under the interchange phasing program, there was only one firm request to reserve funding for a specific interchange. The request was from the City of Ontario to reserve funding for the SR-60/Euclid Avenue Interchange, Phases B and C (see Table 1 for scope). The estimated construction cost for these phases is \$2.25 million each. SBCTA will ask for a formal request letter and approval from the City Council after Board approval of this agenda item. The local share (development share) for this project is 44.5%. Therefore, the estimated additional Measure I Interchange Phasing Program funding to be reserved would be approximately \$2.5 million. To allow for a modicum of flexibility in construction cost estimates, staff suggests reserving an additional \$2 million for the phasing program, which means that a total of \$23 million would be considered committed funding going forward. This means that \$17 million out of the original \$40 million could be freed up for potential application elsewhere in the interchange program.

Board of Directors Metro Valley Study Session Agenda Item
August 15, 2024
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Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Steve Smith, Director of Planning & Regional Programs

Approved
Board of Directors Metro Valley Study Session
Date: August 15, 2024

Witnessed By:

San Bernardino County Transportation Authority

Additional Information

BOARD OF DIRECTORS METRO VALLEY STUDY SESSION ATTENDANCE – 2024
VALLEY BOARD MEMBER ATTENDANCE

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Eunice Ulloa City of Chino		X	X	X	X	X						
Ray Marquez City of Chino Hills		X	X	X	X	X						
Frank Navarro City of Colton		X	X	X		X						
Aquanetta Warren City of Fontana		X	X	X	X							
Sylvia Robles City of Grand Terrace												
Bill Hussey City of Grand Terrace					X	X						
Larry McCallon City of Highland		X	X	X	X	X						
Bhavin Jindal City of Loma Linda		X										
Ronald Dailey City of Loma Linda						*						
John Dutrey City of Montclair		X	X	X	X							
Alan Wapner City of Ontario				X	X							
L. Dennis Michael City of Rancho Cucamonga				X								
Paul Barich City of Redlands		X	X	X								
Deborah Robertson City of Rialto												
Helen Tran City of San Bernardino		X	X	X	X	X						
Rudy Zuniga City of Upland		*	*	X		*						

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting Crossed out box = not a Board Member at the time.
Shaded box = No meeting

Communication: Attendance (Additional Information)

BOARD OF DIRECTORS METRO VALLEY STUDY SESSION ATTENDANCE – 2024

VALLEY BOARD MEMBER ATTENDANCE (Cont.)

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Bobby Duncan City of Yucaipa			X									
Curt Hagman Board of Supervisors		X	X	X	X	X						
Dawn Rowe Board of Supervisors		X		X		X						
Jesse Armendarez Board of Supervisors			X	X		X						
Joe Baca, Jr. Board of Supervisors		X	X	X	X	X						

MOUNTAIN/DESERT BOARD MEMBER ATTENDANCE

Daniel Ramos City of Adelanto												
Art Bishop Town of Apple Valley		X		X		X						
Carmen Hernandez City of Barstow		X		X	X	X						
Rick Herrick City of Big Bear Lake												
Rebekah Swanson City of Hesperia		X	*		X	X						
Janet Jernigan City of Needles												
Joel Klink City of Twentynine Palms												
Debra Jones City of Victorville												
Rick Denison Town of Yucca Valley		X	X	X	X	X						
Paul Cook Board of Supervisors		X	X	X		X						

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting. Crossed out box = not a Board Member at the time.

MVSSatt24

Shaded box = No meeting

Communication: Attendance (Additional Information)

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist Board Members and partners as they participate in deliberations at Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. Staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

Acronym List

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments



MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019