

## **Revised Agenda Item No. 3**

### **Mountain/Desert Policy Committee Meeting**

**February 20, 2026**

**9:30 AM**

**Location:**

**Mojave Desert Air Quality Management District  
14306 Park Avenue, Victorville, CA 92392**

**TELECONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION:**

**Needles City Hall  
817 Third Street  
Needles, CA 92363**

### **DISCUSSION – PROJECT DELIVERY**

#### **3. US 395 Phase 2 Widening Project Utility Agreement Amendments**

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Authorize the Executive Director, or her designee, to finalize and execute Amendment No. 1 to Utility Agreement No. 25-1003274 with the City of Hesperia for utility relocations required for the US 395 Phase 2 Widening Project, subject to approval as to form by SBCTA General Counsel, or her designee, increasing the contract amount by ~~\$2,128,601.25~~ **\$2,739,380**, for a revised contract amount of ~~\$3,253,601.25~~ **\$3,864,380**, to be funded by Surface Transportation Block Grant funds.

B. Authorize the Executive Director, or her designee, to finalize and execute Amendment No. 1 to Utility Agreement No. 25-1003297 with Southern California Edison for utility relocations required for the US 395 Phase 2 Widening Project, subject to approval as to form by SBCTA General Counsel, or her designee, to increase the contract amount by \$881,215.55, for a revised contract amount of \$2,729,206.10, to be funded by Measure I Victor Valley Major Local Highway Program funds.

**C. Approve an advanced reimbursement of \$2,782,353.60 in Measure I Victor Valley Major Local Highways Program funds to the City of Hesperia under Utility Agreement No. 25-1003274.**

*The item and the amendment have been revised. The City of Hesperia does not have sufficient funds to proceed with the utility relocation work and has requested an advance of funds. The revisions are shown in bold font.*

## *Minute Action*

REVISED AGENDA ITEM: 3

***Date:*** February 20, 2026

***Subject:***

US 395 Phase 2 Widening Project Utility Agreement Amendments

***Recommendation:***

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Authorize the Executive Director, or her designee, to finalize and execute Amendment No. 1 to Utility Agreement No. 25-1003274 with the City of Hesperia for utility relocations required for the US 395 Phase 2 Widening Project, subject to approval as to form by SBCTA General Counsel, or her designee, increasing the contract amount by ~~\$2,128,601.25~~ **\$2,739,380**, for a revised contract amount of ~~\$3,253,601.25~~ **\$3,864,380**, to be funded by Surface Transportation Block Grant funds.

B. Authorize the Executive Director, or her designee, to finalize and execute Amendment No. 1 to Utility Agreement No. 25-1003297 with Southern California Edison for utility relocations required for the US 395 Phase 2 Widening Project, subject to approval as to form by SBCTA General Counsel, or her designee, to increase the contract amount by \$881,215.55, for a revised contract amount of \$2,729,206.10, to be funded by Measure I Victor Valley Major Local Highway Program funds.

**C. Approve an advanced reimbursement of \$2,782,353.60 in Measure I Victor Valley Major Local Highways Program funds to the City of Hesperia under Utility Agreement No. 25-1003274.**

***Background:***

US 395 is designated as a “Priority Interregional Highway” in the California Department of Transportation (Caltrans) 2021 Interregional Transportation Strategic Plan (ITSP). US 395 is widely recognized as a critical linkage for goods movement, supporting the economies of multiple inland counties, and an important agricultural route to and from the Central Valley. The US 395 Phase 2 Widening Project (Project) will widen the facility from two to four lanes between Interstate 15 and Palmdale Road.

On April 17, 2025, San Bernardino County Transportation Authority (SBCTA) and Southern California Edison (SCE) executed Utility Agreement No. 25-1003297 for utility relocations necessary to support the Project within the City of Victorville. On April 30, 2025, SBCTA and the City of Hesperia executed Utility Agreement No. 25-1003274 for utility relocations necessary to support the Project within the City of Hesperia.

The original cost estimates for both utility agreements were prepared in March 2025 based on preliminary relocation plans. Since that time, the utility relocation plans have been finalized, resulting in increased estimated relocation costs. Under these agreements, SBCTA will reimburse the utility owners based on the actual costs incurred, up to 125% of the estimate.

**Per Victor Valley Major Local Highways Program Measure I 2010-2040 Strategic Plan Policy No. 40013, VVMLH-12, an agency can request an advanced reimbursement of anticipated expenses in the right-of-way phase of a project for transactions in excess of**

*Entity: San Bernardino County Transportation Authority*

**\$500,000. The City of Hesperia has requested an advanced reimbursement to cover anticipated expenses in the utility relocations necessary to support the Project within the City of Hesperia. The maximum amount eligible to be advanced is 90% of the estimate, per guidance for Federal funds. SBCTA will be reimbursed with Federal funds as the City of Hesperia incurs costs on the relocation.**

Staff are recommending that the Board authorize the Executive Director, or her designee, to finalize and execute Amendment No. 1 to Utility Agreement No. 25-1003274 with the City of Hesperia and Amendment No. 1 to Utility Agreement No. 25-1003297 with SCE to update the contract amounts to reflect the revised cost estimates, subject to approval as to form by SBCTA General Counsel. **Staff are also recommending that the Board approve an advanced reimbursement of \$2,782,353.60 in Measure I Victor Valley Major Local Highways Program funds to the City of Hesperia.**

***Financial Impact:***

This Project is included in the adopted Budget for Fiscal Year 2025/2026 and funded with Measure I Victor Valley Major Local Highway Projects Program funds and Surface Transportation Block Grant Program 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 and Procurement Manager have reviewed this item and the draft amendments.

***Responsible Staff:***

David Tan, Senior Project Manager

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Approved  
Mountain-Desert Committee  
Date: February 20, 2026

Witnessed By:

## General Contract Information

List Any Related Contract Nos.: \_\_\_\_\_

<b>DISTRICT</b> 08	<b>COUNTY</b> San Bernardino	<b>ROUTE</b> 395	<b>POST MILE</b> PM R4.0/11.2	<b>PROJECT ID</b> 0813000222 EA: 08-0F633
FEDERAL AID NUMBER 6507(034)			OWNER'S FILE NUMBER CO-1741	
FEDERAL PARTICIPATION/FEDERALLY ELIGIBLE/ NEPA DOCUMENT				
On the project <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                      On the Utilities <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				

**FIRST AMENDMENT TO UTILITY AGREEMENT NO. 395-COH01**

This first amendment, ("AMENDMENT NO. 1") to UTILITY AGREEMENT No. 395-COH01, City of Hesperia, SBCTA CONTRACT 25-1003274, is made and entered into on \_\_\_\_\_, by and between the San Bernardino County Transportation Authority (referred to herein as "SBCTA") and City of Hesperia (herein "OWNER")

**RECITALS**

**WHEREAS**, "SBCTA" and "OWNER", have entered into that certain Utility Agreement No. 395-CHO01, SBCTA Contract No. 25-100327, on 04/30/2025 for relocation work of OWNER's facilities that are within the limits of SBCTA's project; and

**WHEREAS**, as a result of the finalization of utility relocation plans, the actual estimated cost to the OWNER for the relocation exceeds the original rough order of magnitude estimate included in Utility Agreement No. 395-COH01, SBCTA Contract No. 25-1003274; and

**WHEREAS**, the parties now desire to enter into AMENDMENT NO. 1 to Utility Agreement No. 395-COH01, SBCTA Contract No. 25-1003274, to revise the total cost of the relocation.

**NOW, THEREFORE**, incorporating the foregoing recitals herein, SBCTA and OWNER mutually agree as follows:

1. The estimated cost to SBCTA of **\$900,000.00** as set forth in the final paragraph of Section V. General Conditions in Utility Agreement No. 395-COH01, SBCTA Contract No. 25-1003274 is hereby revised and amended to **read \$2,602,881.00 \$3,091,504.00.**
2. **OWNER, at the present time, does not have sufficient funds available to proceed with the relocation of OWNER's facilities provided for herein. It is estimated that the cost of the work provided for by this Agreement and, as hereinafter set forth, is the sum of \$3,091,504.00. SBCTA agrees to advance to OWNER the sum of \$2,782,353.60 to apply to the cost of the work to be undertaken as provided hereinabove. Said sum of \$2,782,353.60 will be deposited by SBCTA with OWNER within 45 days after execution of the Agreement by the parties hereto and upon receipt of an OWNER's bill for the advance.**

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3. **It is further agreed that upon receipt of the monies agreed upon to be advanced by SBCTA herein, OWNER will deposit said monies in a separate interest-bearing account or trust fund in State or National Banks in California having the legal custody of said monies in accordance with and subject to the applicable provisions of Section 53630, et seq., of the Government Code, and all interest earned by said monies advanced by SBCTA and deposited as provided for above shall be credited to SBCTA.**
  4. **In the event actual relocation and necessary costs as established herein are less than the sum of money advanced by SBCTA to OWNER, OWNER hereby agrees to refund to SBCTA the difference between said actual and necessary cost and the sum of money that was advanced. The remittance check for the balance of advanced funds will be separate from the remittance check for the earned interest. In the event that the actual and necessary cost of relocation exceeds the amount of money advanced to OWNER, in accordance with the provisions of this Agreement, SBCTA will reimburse OWNER said excess costs upon receipt of an itemized bill as set forth herein**
  - 2 5. Except as amended by this AMENDMENT NO. 1, all other provisions of Utility Agreement No. 395-COH01, SBCTA Contract No. 25-1003274, shall remain in full force and effect.
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**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment No. 1 to Utility Agreement No. SCE-COH01, SBCTA Contract No. 25-1003274 the day and year above written.

AGENCY:  
SAN BERNARDINO COUNTY TRANSPORTATION  
AUTHORITY

OWNER:  
CITY OF HESPERIA

By \_\_\_\_\_  
Carolyn Schindler Date  
Executive Director

By \_\_\_\_\_  
Allison Lee Date  
Mayor

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By \_\_\_\_\_  
Iain MacMillan Date  
Assistant General Counsel

By \_\_\_\_\_  
Pam Lee Date  
City Attorney

DRAFT