

AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 22-1002725

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF RIALTO

FOR

INTERSTATE 10/RIVERSIDE AVENUE INTERCHANGE PHASE 2 PROJECT

This Amendment No. 1 to Project Funding Agreement (“Agreement”) by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Rialto (“CITY”) is for widening of the existing Riverside Avenue bridge structure over the UPRR railroad tracks south of Interstate 10 (I-10) to Slover Avenue (“PROJECT”) to match the lane configuration constructed as part of the I-10/Riverside Avenue Interchange Phase 1 Project. SBCTA and CITY shall be individually or collectively, as applicable, known as “Party” or “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan identifies projects eligible for partial funding from Measure I 2010-2040 Valley Freeway Interchange Program (“VFI”) funds; and
- B. SBCTA prepared a study, referenced herein as the Nexus Study, dated November 2, 2011, updated every two years in accordance with the Measure I 2010-2040 Expenditure Plan, that identifies PROJECT as eligible for the SBCTA Public Share of 72.6% of costs necessary to complete the project; and
- C. On October 5, 2021, CITY submitted a formal request for consideration of inclusion of PROJECT in the 10-Year Delivery Plan; and
- D. CITY identified a need of \$5,193,156 to complete the Plans, Specifications, and Estimate (PS&E), Right of Way (ROW), and Utility Relocation Phases of PROJECT (“PROJECT WORK”); and
- E. On December 1, 2021, the SBCTA Board of Directors approved the 2021 Update to the 10-Year Delivery Plan, which identified an SBCTA contribution of \$5,193,156 to PROJECT WORK; and
- F. The Parties entered into Project Funding Agreement 22-1002725 on or about March 28, 2022, to allocate \$5,193,156 in Measure I VFI funds for the Public Share of costs of PROJECT WORK; and

G. CITY has identified a need of an additional \$670,025 to fully fund the Project through the ROW Phase; and

H. CITY has requested updates to Attachment B: Summary of Estimated Costs; and

NOW, THEREFORE, the Parties agree to the following:

1. Paragraph 1 of Section I is deleted in its entirety and replaced with the following:

“1. To reimburse CITY for the 72.6% public share of the actual cost of PROJECT WORK, as described more fully in Attachment A, not to exceed \$5,863,181 in Measure I Valley Freeway Interchange Program funds. SBCTA shall have no further responsibilities to provide any further funding for PROJECT WORK exceeding this amount without an amendment to this Agreement. A cost estimate for the PROJECT WORK is provided in Attachment B.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:

“2. To contribute 27.4% of PROJECT WORK costs up to \$2,212,826 in Development Impact Fees for PROJECT WORK.”

3. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached as Attachment B to this Amendment No. 1 and incorporated herein.

4. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.

5. The Recitals set forth above are incorporated herein by this reference.

6. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.

7. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF RIALTO

By: _____
Ray Marquez, President
Board of Directors

By: _____
Michael Milhiser
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
SBCTA General Counsel

By: _____
Eric Vail
City Attorney

ATTACHMENT B

INTERSTATE 10/RIVERSIDE AVENUE INTERCHANGE PHASE 2 PROJECT

Revised Summary of Estimated Costs

Phase¹	Total Cost	SBCTA Share² (Public Share) 72.6%	City of Rialto Share (Development Share) 27.4%
Plans, Specifications, and Estimates Phase	\$3,449,557	\$2,504,378	\$945,179
ROW and Utility Relocation Phase	\$4,626,450	\$3,358,803	\$1,267,647
TOTAL	\$8,076,007	\$5,863,181	\$2,212,826

¹ The actual cost of a specific phase may ultimately vary from the estimates shown; however, under no circumstances is the total combined SBCTA contribution to exceed \$5,863,181 without an amendment to this Agreement.

² SBCTA's share can be from sources under control of SBCTA including, but not limited to, Measure I Valley Freeway Interchange Program, State Transportation Improvement Program, Surface Transportation Program, or other funds without necessitating an amendment of this Agreement.