

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 20, 2025

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Supplemental Agreement to the Public Highway Overpass Agreement with Union Pacific Railroad Company and Amendment to Assignment and Assumption Agreement with San Bernardino County Transportation Authority for the Cedar Avenue at Interstate 10 Improvement Project

RECOMMENDATION(S)

1. Approve **Amendment No. 1** (Supplemental Agreement) to the Public Highway Overpass **Agreement No. 22-217** with Union Pacific Railroad Company, a Delaware Corporation, to extend the term of temporary construction easements, totaling approximately 21,724 square feet, over certain railroad property, commencing as of May 16, 2025 and expiring on the earlier of 24 months thereafter or project completion, for an additional payment of \$89,000 increasing the total cost of the temporary construction easements from \$133,000 to \$222,000.
2. Approve **Amendment No. 1** to the Assignment and Assumption Agreement, **Contract No. 22-218** with the San Bernardino County Transportation Authority to reflect the \$89,000 increase in the cost of the temporary construction easements, which shall be funded by San Bernardino County Transportation Authority.
3. Authorize the Director of the Real Estate Services Department to execute any non-substantive documents necessary to complete the extension of temporary construction easements for the Cedar Avenue at Interstate 10 Improvement Project, subject to County Counsel review.

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total cost to the County for Amendment No. 1 (Supplemental Agreement) to the Public Highway Overpass Agreement (Supplemental Agreement) with Union Pacific Railroad (UPRR) to extend the term of the temporary construction easements is \$89,000, which will be funded by San Bernardino County Transportation Authority (SBCTA) pursuant to Amendment No. 1 to the Assignment and Assumption Agreement, Contract No. 22-218 with SBCTA.

BACKGROUND INFORMATION

**Supplemental Agreement to the Public Highway Overpass Agreement
with Union Pacific Railroad Company and Amendment to Assignment
and Assumption Agreement with San Bernardino County
Transportation Authority for the Cedar Avenue at Interstate 10
Improvement Project
May 20, 2025**

On March 29, 2022 (Item No. 47), the Board of Supervisors (Board) approved a temporary construction easement, containing approximately 24,573 square feet, over a portion of County-owned property (Assessor Parcel Numbers [APNs] 0252-161-10-0000 and 0252-161-09-0000, located at 18313 Valley Boulevard in unincorporated Bloomington) to SBCTA for the Cedar Avenue at Interstate 10 Improvement Project (Project), approved a Public Highway Overpass Agreement (Overpass Agreement) with UPRR for the acquisition of several easements over UPRR-owned property for the Project, including temporary construction easements (TCEs) totaling approximately 21,724 square feet for a term from May 16, 2022, through the earlier of May 15, 2025, or Project completion, approved an Assignment and Assumption Agreement with SBCTA to assign the right to construct the Project to SBCTA and for SBCTA to fund Project costs incurred by the County under the Overpass Agreement, and adopted a resolution making certain findings of fact as a responsible agency pursuant to the California Environmental Quality Act for the Project.

The Project is a joint effort among the County, Caltrans, SBCTA, the City of Fontana, and the City of Rialto. SBCTA is the lead agency for the Right-of-Way and Construction phases, with the County's Real Estate Service Department (RESA) assisting with right-of-way acquisition services. Caltrans provides project design services and is the lead agency for environmental compliance. The proposed Project improvements will impact the interchange at Cedar Avenue and I-10, between Slover Avenue and Bloomington Avenue, and will consist of widening Cedar Avenue from Bloomington Avenue to Orange Street, adding turn lanes, widening the interstate overcrossing, replacing the UPRR/Cedar Avenue bridge, and modifying existing ramps.

SBCTA has determined that, due to current construction schedules, the Project cannot be completed by the TCE expiration date of May 15, 2025. The extended time is needed due to submittal delays and coordination issues related to the project Contractor and UPRR. Therefore, SBCTA requested that the Real Estate Services Department (RESA) obtain extended TCEs from UPRR. UPRR has agreed to extend the TCEs to the earlier of two years or Project completion, which will require additional compensation totaling \$89,000, but shall otherwise be on the same terms and conditions as the Overpass Agreement.

Approval of this item will authorize the execution of the Supplemental Agreement with UPRR to extend the term of the TCEs commencing as of May 16, 2025 and expiring on the earlier of 24 months thereafter or project completion, for an additional payment of \$89,000 to UPRR. It will also approve an amendment to the Assignment and Assumption Agreement, Contract No. 22-218 with SBCTA to reflect the increased TCE cost, raising the total from \$133,000 to \$222,000 for the extended TCE term.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, and Aaron Gest, Deputies County Counsel, 387-5455) on May 7, 2025; Purchasing (Dylan Newton, 387-3377, Buyer III) on April 23, 2025; Finance (Eduardo Mora, 387-4376, Administrative Analyst) on April 28, 2025; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 4, 2025.

(KD: 665-0430)

**Supplemental Agreement to the Public Highway Overpass Agreement
with Union Pacific Railroad Company and Amendment to Assignment
and Assumption Agreement with San Bernardino County
Transportation Authority for the Cedar Avenue at Interstate 10
Improvement Project
May 20, 2025**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 20, 2025



cc: RESD - Thompson w/agree for sign
Contractor - c/o RESD w/agree
File - w/agree
CCM 05/23/2025