

AMENDMENT NO. 2
TO COOPERATIVE AGREEMENT NO. 18-1001962
BETWEEN
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
AND
SAN BERNARDINO COUNTY
FOR
RIGHT-OF-WAY AND CONSTRUCTION PHASES FOR THE INTERCHANGE AT
CEDAR AVENUE AND INTERSTATE 10 (I-10)
IN THE UNINCORPORATED COMMUNITY OF BLOOMINGTON

THIS AMENDMENT No. 2 is made and entered into by and between SAN BERNARDINO COUNTY, formerly known as County of San Bernardino, (“COUNTY”) and the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (“SBCTA”). SBCTA and COUNTY may be referred to herein as a “PARTY” and collectively “PARTIES”.

RECITALS

- A. SBCTA and COUNTY entered into Cooperative Agreement 18-1001962 (AGREEMENT) on January 9, 2019, to delineate roles, responsibilities, and funding commitments relative to the Right-of-Way (ROW) and Construction phases for the Interstate 10 Cedar Avenue Interchange in the unincorporated community of Bloomington (“PROJECT”); and
- B. SBCTA and COUNTY entered into Amendment No. 1 on July 6, 2023, to extend the AGREEMENT termination date by 5 years to December 31, 2028; to adjust the PARTIES’ respective funding responsibilities based on the revised PROJECT costs; to update the PROJECT milestone schedule; and to update the PARTIES’ points of contact; and
- C. Due to the limited construction windows granted by the railroad company for the demolition and construction of the Cedar Avenue Railroad Overhead bridge, the PROJECT is expected to delay beyond the December 31, 2028 termination date, with the expected completion of Stage 1 of the PROJECT by March 2027 and overall completion by August 2030; and

- D. Based on the ROW expenses and construction costs to date, and the estimate to complete Stage 1 of the PROJECT, the estimated ROW cost has increased by \$1,120,000 from \$7,000,000 to \$8,120,000, and the estimated Construction cost has increased by \$19,284,000 from \$95,700,000 to \$114,984,000. As a result of additional time and effort in managing the additional ROW tasks and construction activities, the estimated Project Management cost has increased by \$100,000 from \$300,000 to \$400,000. This has resulted in a net increase of \$20,504,000 to the total ROW, Construction and their associated Project Management costs for the PROJECT; and
- E. On April 24, 2025, the State of California and SBCTA executed a Program Supplement Agreement for a \$5,000,000 Section 190 Grade Separations Program fund allocated for the PROJECT which will buy down the PROJECT cost; and
- F. PARTIES now desire to amend the AGREEMENT for the following reasons:
- a) To extend the AGREEMENT termination date by 5 years to December 31, 2033 to cover the construction phase, plant establishment, extended plants establishment period and close out phase; and
 - b) To adjust the PARTIES' respective funding responsibilities based on the revised PROJECT costs; and
 - c) To update the PROJECT milestones based on the current status of the PROJECT and future forecast of the remaining activities.

IT IS THEREFORE MUTUALLY AGREED TO AMEND THE AGREEMENT AS FOLLOWS:

1. Section I, Paragraph B, is replaced in its entirety with the following:

“B. 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 Right of Way (ROW) and Construction phases, or December 31, 2033, whichever is earlier in time, except that the indemnification provisions shall remain in effect until terminated or modified, in writing by mutual agreement. Should any claims arising out of this AGREEMENT be asserted against one of the PARTIES, the AGREEMENT shall be extended until such time as the claims are settled, dismissed or paid.”
2. Attachment A-1 to the AGREEMENT is replaced in its entirety with Attachment A-2, attached hereto to this AMENDMENT No. 2 and incorporated herein by reference. All references in the AGREEMENT to either “Attachment A” or “Attachment A-1” shall be replaced with “Attachment A-2”.
3. The Recitals set forth above are incorporated herein by this reference.

4. Except as amended by this AMENDMENT No. 2, all other provisions of the AGREEMENT, including all previous amendments, shall remain in full force and effect.
5. This AMENDMENT No. 2 is effective upon execution by both Parties.

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

**SIGNATURE PAGE TO
AMENDMENT NO. 2 TO COOPERATIVE AGREEMENT NO. 18-1001962
BETWEEN
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
AND SAN BERNARDINO COUNTY**

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

SAN BERNARDINO COUNTY

By: _____
Andrea Zurieck
Deputy Executive Director

By: _____
Dawn M. Rowe
Chair, Board of Supervisors

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Iain MacMillan
Assistant General Counsel

By: _____
Aaron Gest
Deputy County Counsel

Attachment A-2

PROJECT DESCRIPTION

The PARTIES propose the project to improve the I-10/Cedar Avenue interchange located in the unincorporated community of Bloomington. The project will improve Cedar Avenue from Bloomington Avenue to Slover Avenue, widen Cedar Avenue between Bloomington Avenue and Orange Street and add turn lanes; widen the Interstate Overcrossing and replace the UPRR/Cedar Avenue Overhead; and modify existing ramps.

PROJECT FUNDING TABLE

Phase	Total Cost	Cost Incurred after 4/5/2006 ¹	Section 190 Grade Separations Grant obligated on 4/24/2025	Local Share ²	SBCTA Share ³	Local Agency Contribution ^{4,5}	SBCTA Contribution ⁵
Agreement 17-1001710 (Per Amendment No. 2 executed November 12, 2020)							
PA/ED	\$1,366,000	\$559,000		\$167,700	\$391,300	\$559,000	\$0
PS&E ⁶	\$8,727,000	\$8,727,000		\$2,618,100	\$6,108,900	\$4,175,000	\$4,552,000
Project Management	\$300,000	\$300,000		\$300,000		\$300,000	
Total	\$10,393,000	\$9,586,000		\$3,085,800	\$6,500,200	\$5,034,000	\$4,552,000
Agreement 18-1001962 (Amendment 2)							
Right of Way ⁷	\$8,120,000	\$8,120,000		\$2,436,000	\$5,684,000	\$200,000	\$7,920,000
Construction	\$114,984,000	\$114,984,000	\$5,000,000	\$32,995,200	\$76,988,800	\$33,283,000	\$76,701,000
Project Management	\$400,000	\$400,000		\$400,000		\$400,000	
Total	\$123,504,000	\$123,504,000	\$5,000,000	\$35,831,200	\$82,672,800	\$33,883,000	\$84,621,000
Grand Total	\$133,897,000	\$133,090,000	\$5,000,000	\$38,917,000	\$89,173,000	\$38,917,000	\$89,173,000

1. Only costs incurred after 4/5/2006 are eligible for reimbursement.

2. Local Share is 30% of Costs Incurred after 4/5/2006; Local Share is distributed as follows: County 20.58%, Rialto 5.85% and Fontana 3.57%. By separate agreement, the County is responsible for collection of the Cities of Fontana and Rialto share of project costs.

3. SBCTA Share is 70% of Costs Incurred after 4/5/2006 and can be from sources under control of SBCTA including but not limited to Valley Measure I Interchange funds, State Transportation Improvement Program (STIP), or Surface Transportation Program (STP) without necessitating an amendment of this agreement.

4. County is receiving a credit in the Right of Way and Construction phase for the public share of eligible PA/ED and PS&E costs.

5. County has \$4.2 million of federal STP funds that were previously allocated to them for use at their discretion to be regarded as an internal loan of development share funds for the Project as approved by the SBCTA Board on 1/9/2013 (in PS&E and ROW Engineering). SBCTA Contribution of \$4.552 million in PS&E phase will be \$3.552 million from federal funds (for PS&E Design) and \$1.0 million from Valley Measure I Interchange funds (for Potholing and Utility Coordination).

6. Includes \$125,000 Railroad Agreement, \$50,000 Environmental Permits and \$1,000,000 Potholing & Utility Coordination.

7. County Contribution of \$200,000 is for ROW Engineering; SBCTA Contribution of \$7.92 million includes \$750,000 for County assistance on ROW services, \$2.7 million for ROW acquisitions, \$1.2 million for ROW Legal services, and \$3.27 million for Utility relocation/construction coordination.

PROJECT MILESTONES

Milestone	Actual/(Forecast)
Start of Project	November 2001
Environmental Approval	July 2013
Plans, Specifications and Estimate Approval	October 2021
Right of Way Certification	June 2022
Begin Construction	January 2023
Complete Stage 1 of Construction	(March 2027)
End Construction	(August 2030)
Plant Establishment	(August 2031)
Extended Plant Maintenance	(August 2033)
Project Closeout	(December 2033)