

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

April 8, 2025

FROM

NOEL CASTILLO, Director, Department of Public Works – Transportation

SUBJECT

Amendments to Agreements with Speedway SBC Development, LLC and Union Pacific Railroad Company for Preliminary Engineering Services for the Auto Club Speedway Project

RECOMMENDATION(S)

1. Approve **Amendment No. 1 to Cooperative Agreement No. 22-749** with the Speedway SBC Development, LLC for preliminary engineering services for the Auto Club Speedway Project in the Fontana area, adding the Napa Street crossing at the Union Pacific Railroad Company tracks, with no change to the contract amount of \$62,000, or the contract term of August 9, 2022 through December 30, 2027.
2. Approve **Amendment No. 1 to Cooperative Agreement No. 22-750** with the Union Pacific Railroad Company to perform preliminary engineering services for the Auto Club Speedway Project in the Fontana area, adding the Napa Street crossing at the Union Pacific Railroad Company tracks, with no change to the contract amount of \$50,000, or the contract term of September 21, 2022 through December 30, 2027.

(Presenter: Noel Castillo, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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). There is no financial impact with the approval of this item. The Auto Club Speedway Project at the Union Pacific Railroad Crossing in the Fontana area (Project) preliminary engineering (PE) services is funded by Speedway SBC Development, LLC (Developer). On December 27, 2022, the Developer deposited \$62,000 to the San Bernardino County (County) Department of Public Works (Department) for the PE services performed by Union Pacific Railroad Company (UPRR) under County Contract No. 21-750 and the Department's staff labor costs relative to the Project. Sufficient appropriation and revenue are included in the Department's 2024-25 Road Operations budget (6650002000 71H15191).

BACKGROUND INFORMATION

On August 9, 2022 (Item No. 41), the Board of Supervisors (Board) approved Cooperative Agreement No. 22-749 with the Developer and Cooperative Agreement No. 22-750 (collectively Agreement) with the UPRR for the advance payment and reimbursement relative to the PE services for the Project. The Developer is the lead agency for the Project; however, because the

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UPRR tracks intersects with San Bernardino Avenue and Napa Street, which are County-maintained roads, the agreement between the County and UPRR is required.

In accordance with Rule 3.7 of the California Public Utilities Commission Rules of Practice and Procedure, applications for modification of at-grade railroad crossings must be submitted by a municipal, county, state, or other governmental authority. Since the Developer is a privately owned company, and San Bernardino Avenue and Napa Street, which crosses the UPRR tracks, are County-maintained roads, the UPRR rules require UPRR to contract with the County for the preparation of the Project's PE work. UPRR provides PE services for the Developer and the Developer reviews the work performed and authorizes payment to UPRR, which is disbursed from funds deposited by the Developer to the County.

Amendment No. 1 to the Agreements will update Exhibit A of the Agreements by adding Napa Street at the UPRR crossing as part of the PE services. UPRR agrees to perform the PE services along San Bernardino Avenue and Napa Street as it pertains to the Project in the Fontana area. UPRR agrees that no additional funding is required to include the Napa Street PE services as part of the original agreement's scope of work.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on January 30, 2025; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on March 20, 2025; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on March 24, 2025.

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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.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 8, 2025



cc: PW/Trans - Johnson w/agrees for sign
Contractor - c/o PW/Trans w/agree
File - w/agree
CCM 04/11/2025