

AMENDMENT NO. 2 TO PROJECT FUNDING AGREEMENT NO. 20-1002325

FOR

STATE ROUTE 38 AT STANFIELD CUTOFF PROJECT

(SAN BERNARDINO COUNTY)

THIS Amendment No. 2 to Project Funding Agreement 20-1002325 (“AGREEMENT”) is made and entered into by and between the San Bernardino County (“COUNTY”) and the San Bernardino County Transportation Authority (“SBCTA”). SBCTA and COUNTY are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Mountain Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Mountain Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The State Route (SR) 38 at Stanfield Cutoff Project (“PROJECT”) is one of the projects identified as eligible for funding and is described more fully in Attachment A; and
- C. The Parties entered into the AGREEMENT on or about March 3, 2020, to fund planning, environmental and design of the PROJECT (PROJECT WORK) in the amount of \$500,000; and
- D. The Parties entered into Amendment No. 1 to AGREEMENT on or about April 13, 2022, to update PROJECT WORK to include Right-of-Way and Construction phases, allocate \$3,727,204 in additional funding to the PROJECT, and to extend the termination date to December 30, 2025; and
- E. COUNTY has requested to update the project milestone dates by revising Attachment A: Description of Project and Milestones; and
- F. COUNTY has requested an extension of the Agreement termination date to June 30, 2027 to allow for project completion and closeout.

NOW, THEREFORE, the Parties agree to the following:

- 1. Paragraph 8 of Section III is deleted in its entirety and replaced with the following:

“8. This AGREEMENT will be considered terminated upon reimbursement of all eligible costs by SBCTA or June 30, 2027, whichever is sooner, provided that the provisions of

Paragraphs 5, 6, 7, 8, and 9 of Section II, and Paragraphs 5, 6 and 7 of Section III, shall survive the termination of this AGREEMENT.”

2. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached to this Amendment as Attachment A.1 and incorporated herein. All references to “Attachment A” in the Agreement are hereby replaced with “Attachment A.1”.
3. Except as amended by this Amendment No. 2, all other terms and conditions of the Agreement, as amended by Amendment No. 1, shall remain in full force and effect and are incorporated herein by this reference.
4. The Recitals set forth above are incorporated herein by this reference.
5. This Amendment No. 2 may be signed in counterparts, each of which shall constitute an original. The Parties shall be entitled to sign and transmit an electronic signature of this Amendment No. 2 (whether by facsimile, PDF, or other email transmission), which signature shall be binding on the Party whose name is contained therein. Each Party providing an electronic signature agrees to promptly execute and deliver to the other Party an original signed Amendment No. 2 upon request.
6. This Amendment No. 2 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 2 by their authorized signatories below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Carolyn Schindler
Executive Director

Date: _____

APPROVED AS TO FORM

By: _____
Iain MacMillan
SBCTA Assistant General Counsel

Date: _____

SAN BERNARDINO COUNTY

By: _____
Dawn Rowe
Chair

Date: _____

APPROVED AS TO FORM

By: _____
Aaron Gest
Deputy County Counsel

Date: _____

ATTACHMENT A.1

SR 38 AT STANFIELD CUTOFF PROJECT

Revised Description of Project and Milestones

Project Title	
SR 38 at Stanfield Cutoff Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
The project is located at the intersection of Stanfield Cutoff and SR 38 (North Shore Drive) in the unincorporated area north of Big Bear Lake and will construct a roundabout at the current offset intersection near the North Shore Elementary School and the Big Bear Animal Shelter to optimize traffic circulation and improve safety. Other project work includes constructing Americans with Disabilities Act compliant ramps on both sides of the marked crosswalk.	
Project Milestone	Proposed
Begin Environmental (PA&ED) Phase	02/01/2020
Draft Project Report	03/01/2022
End Environmental Phase (PA&ED Milestone)	07/15/2022
Begin Design (PS&E) Phase	02/01/2022
End Design Phase (Ready to List for Advertisement Milestone)	08/01/2022
Begin Right of Way Phase	07/16/2022
End Right of Way Phase (Right of Way Certification Milestone)	02/28/2023
Begin Construction Phase (Contract Award Milestone)	12/17/2024
End Construction Phase (Construction Contract Acceptance Milestone)	05/29/2026
Begin Closeout Phase	06/01/2026
End Closeout Phase (Closeout Report)	06/01/2027