

*Included with PW00338 for information only* *PW/669/PW 00338*

AMENDMENT NO. 3 TO COOPERATIVE PROJECT AGREEMENT  
Short-Term Regional Transportation Program (STRTP)  
Project N-1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation

This Amendment No. 3 to STRTP Project N-1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation Project is made and entered into the 11<sup>th</sup> day of Dec, 2013 by and between the Fresno County Transportation Authority ("Authority") and the City of Fresno ("Responsible Agency").

1. PARTIES. The Authority and the City of Fresno are collectively referred to herein as "the Parties".

2. RECITALS.

2.1 WHEREAS, the Parties entered into the Cooperative Project Agreement for Project N-1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation ("**Agreement**"), dated June 1<sup>st</sup>, 2009, for funding of a transportation improvement project ("**Project**") in Fresno County pursuant to the Measure "C" Short-Term Regional Transportation Program Handbook ("**Handbook**"), and the Fresno County Measure "C" Expenditure Plan ("**Expenditure Plan**"), which was approved by the voters of Fresno County in November, 2006; and

WHEREAS, Authority is authorized to approve and revise Project funding for payment to Responsible Agency in accordance with the Agreement, the Measure "C" Strategic Implementation Plan ("**SIP**") and the Expenditure Plan regarding the Project N-1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation; and

WHEREAS, the Parties previously modified the terms of the original Agreement by approval and execution of Amendment No. 1 to the Agreement, dated December 7, 2011, and Amendment No. 2 to the Agreement, dated October 10, 2012, respectively (hereinafter referenced as "the Prior Amendments"), providing funding for specified components of Phase 1 ("Preliminary Engineering") and Phase 2 ("Right of Way Acquisition") of the Project; and

WHEREAS, Authority shall provide additional funding to Responsible Agency for eligible Right of Way Project costs in the amount of \$3,421,000, bringing the total cumulative "not to exceed" amount of allocated Project funding to **\$29,556,000** of Measure "C" funds (Original and Extension) and Regional Transportation Mitigation Fee ("RTMF") funds and that will remain unchanged by this Amendment.

2.2 The Parties now desire to amend the statements defining and delineating the Project Scope, Project Schedule and Project Funding Program, as set forth in the original

- Responsible Agency desires to draw down the balance of the funds set aside for the Veterans Blvd/SR99 project. Said Measure "C" Regional Transportation Program ("Measure "C") and RTMF (as applicable) funding will allow the Project to further proceed as contemplated with the ROW Phase of Project N-1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation Project, per the revised Exhibits as more thoroughly described in Section 3.1 of this Amendment.


3. TERMS.

- 3.1 Exhibit "A" (Project Scope), Exhibit "B" (Project Schedule) and Exhibit "C" (Project Funding Program), which hereinafter shall be referenced collectively as the "Original Exhibits" as set forth in Section 1.1 of the original Agreement, which were fully incorporated therein by the provisions of Section 3.23 thereof and were previously modified by the Prior Amendments thereto, shall be and are hereby replaced by: Exhibit "A3" (Project Scope), Exhibit "B3" (Project Schedule) and Exhibit "C3" (Project Funding Program), which are attached hereto and incorporated herein by this reference, commencing upon the Effective Date of this Amendment No. 3 to the Agreement.
- 3.2 All work performed by the Responsible Agency under the Agreement prior to the Effective Date of this Amendment No. 3 shall be governed by and compensated pursuant to the applicable Exhibits, pursuant to the terms of the original Agreement as previously modified by the Prior Amendments thereto. All work performed commencing upon the Effective Date of this Amendment No. 3 shall be governed by and compensated pursuant to the attached Exhibits A3, B3 and C3 , and the terms of the Agreement as modified by this Amendment No. 3.
- 3.3 Effective Date. The Effective Date of this Amendment No. 3 to the Agreement shall be 12:01 a.m. of the day following the date upon which it is signed by the Parties. In the event this Amendment No. 3 to the Agreement is signed by the Parties on different dates, the Effective Date shall be 12:01 a.m. of the day following that date upon which it is signed by the second of the Parties.
- 3.4 All other terms and conditions contained in the Cooperative Project Agreement are unaffected by this Third Amendment and shall remain in full force and effect.

[Signatures on following page]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

**FRESNO COUNTY TRANSPORTATION AUTHORITY**

By   
(Signature)

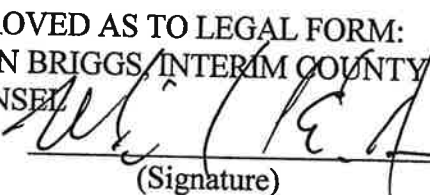
Name HARRY ARMSTRONG  
(Typed)

Title Chair of the Authority

ATTEST By   
(Signature)


Name RON PETERSON  
(Typed)

Title Executive Director

APPROVED AS TO LEGAL FORM:  
KEVIN BRIGGS, INTERIM COUNTY  
COUNSEL  
By   
(Signature)

Name MICHAEL E ROWE

Title Senior Deputy County Counsel

APPROVED AS TO ACCOUNTING  
FORM:  
By   
(Signature)

Name VICKI CROW

Title Auditor-Controller/Treasurer-Tax Collector

**CITY OF FRESNO AGENCY NAME**  
ATTEST

By   
(Signature)

Name for PATRICK N. WIEMILLER

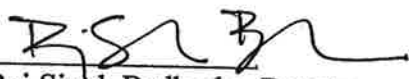
By Cindy Brues 11/25/13  
(Signature)

Name Cindy Brues

Title Public Works Director

Title Deputy City Clerk

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

BY:  11.4.13  
Raj Singh Badhesha, Deputy



## EXHIBIT A-3 – PROJECT SCOPE

### Urban Project N1/A3 – Veterans Blvd/SR-99 Interchange and Grade Separation

#### Responsible Agency

City of Fresno

#### Project Limits

The project limits for Urban Project N-1 are from Shaw Avenue to Herndon Avenue.

#### Project Phase

- ☒ Phase 1\* - Preliminary Engineering [Includes Preliminary Design/Engineering (PS&E) and Environmental (PA/ED)]
- ☒ Phase 2 - Right-of-Way Acquisition
- ☐ Phase 3 - Construction [Includes Project Construction & Construction Management]

\*Phase 1 - Plans, Specifications, and Estimates (PS&E) only. Right-of-way and construction phases are to be scheduled in the Measure C Mid-Term and Long-Term Programs.

#### Project Phase(s) Scope

This Right of Way (ROW) acquisition phase of the project includes the preparation and completion of Acquisition and Construction documents for the project. Measure C funds are addressing the project limits of Barstow Avenue to Bullard Avenue, specifically consisting of the Veterans Boulevard / State Route 99 interchange, connection to Golden State Boulevard and Veterans Boulevard / Union Pacific Railroad grade separation. To address logical termini requirements of the NEPA process, local development impact fees are augmenting this phase of the project to prepare acquisition and construction documents for a 4-lane Veterans Boulevard on the ultimate 6-lane Official Plan Line alignment between Shaw Avenue and Barstow Avenue, and also from Bullard Avenue to Herndon Avenue, representing a total project limit of Shaw Avenue to Herndon Avenue for the ROW phase of the project.

#### Complete Project Scope

The PA/ED phase of the project is near completion. A Draft Project Report has been prepared by the City of Fresno and has been circulated and received final signature by Caltrans District Director. The Draft Environmental Impact Report has been prepared by the City of Fresno and has been circulated and the Caltrans Environmental Office Chief has provided final signature. Public Circulation of the EIR is scheduled for August 29, 2012. Notice of Determination/Record of Decision is anticipated for the late Winter of 2012. Project Approval is expected in Winter 2012.

The next phase (PS&E) has been included the FY 2010/2011 in the Measure "C" Extension 2010 Short Term Regional Transportation Program. This Right of Way phase is scheduled for 2013 and it is anticipated that the process will require 36 months to complete. Utility relocation is anticipated to begin 2015, concluding with Construction and associated Construction Management services. The project scope is the construction of Veterans Boulevard to its ultimate six-lane configuration between Barstow Avenue and Bullard Avenue, with a new overcrossing of State Route 99, on- and off-ramps, the connection to Golden State Boulevard, a bridge spanning Golden State Boulevard and a grade separation at the Union Pacific Railroad crossing; the project proposes a four-lane facility from Bullard Avenue north to Herndon Avenue and from Barstow Avenue south to Shaw Avenue. The project is consistent with the recorded Official Plan Line approved by the City and County in 1996 for the planned superarterial roadway alignment. The project will include traffic signals at the freeway interchange off-ramps and signalized intersections at Shaw Avenue, Barstow Avenue, Golden State Boulevard connector roadway, Bullard Avenue and Herndon Avenue.

#### Project Purpose

As described in the Caltrans PSR, the purpose of the project is to provide improved traffic circulation and access to lands adjacent to and surrounding the interchange; provide congestion relief to improve traffic flow on the existing local and regional transportation system; to accommodate local development and corresponding increases in traffic volumes; and to be consistent with existing and planned local and regional development.

#### Transportation Benefit

The project will provide an east-west connection from west Fresno to north Fresno and a greatly improved freeway interchange access for northwest Fresno. The project will also provide a grade-separated crossing of the Union Pacific Railroad facilitating access to SR-99 for the Herndon Avenue corridor. The project will relieve congestion at the adjacent SR-99 interchanges at Herndon Avenue and Shaw Avenue which are inadequate to serve existing and future traffic demands.

**Implications of Not Doing the Project**

Veterans Boulevard is an integral component of the City of Fresno 2025 General Plan and the regional road network. The traffic operational analysis that has been prepared for the Project Report and Environmental Impact Report shows level of service "F" at intersections and interchanges in the project vicinity.

**Community Engagement**

The project limits are within a populated residential and industrial area. A Notice of Preparation meeting was held in February 2010 informing the community of the EIR preparation. The environmental document approval process will include community meetings and a public hearing process. Residents and property owners will be kept informed of the Project's status by a newsletter that will be available on a web site as well as through a project e-mail distribution list.

**Construction Staging**

Construction will be continuous and during construction adjacent residences and businesses will be provided access at all times. Falsework will be erected over SR-99 to maintain freeway traffic.

**Detours**

Short-term limited detours will be necessary for Golden State Boulevard and a very short night-time freeway detour will be required for falsework placement. Otherwise existing transportation facilities will be unaffected by the project.

**Current Status**

The PAVED phase is near completion and the DPR and DEIR are close to signature. The project is ready to proceed with the PS&E phase.

**Contact**

For inquiries, you may contact Scott Mozier, P.E., City Engineer with the City of Fresno Public Works Dept. at (559) 621-8811.

**Urban Project N1/A3 – Veterans Blvd/SR-99 Interchange and Grade Separation**

### 3 Project Construction & Construction Management



## EXHIBIT C3 - PROJECT FUNDING PROGRAM

### Urban Project N1/A3 – Veterans Blvd/SR-99 Interchange and Grade Separation

#### Responsible Agency

City of Fresno

#### Project Limits

The project limits for Urban Project N-1 are from Shaw Avenue to Herndon Avenue.

#### Project Phase

- ☐ Phase 1 - Preliminary Engineering *(Includes Preliminary Design/Engineering (PS&E) and Environmental)*
- ☒ Phase 2 - Right-of-Way Acquisition
- ☐ Phase 3 - Construction *(Includes Project Construction & Construction Management)*

Phase 1 – Project Approval / Environmental Document (PA/ED) only. Right-of-Way and construction phases are to be scheduled in the Measure C Mid-Term and Long-Term Programs

#### Contact

For inquiries, you may contact Scott Mozier, P.E., City Engineer, with the City of Fresno Public Works Department at (559) 621-8650.

Funding Program (\$ in millions- See Attached)



Measure "C" Short-Range Regional Transportation Program - Project Funding Program - Project UN1 Exhibit C2

PROJECT PHASE	START YEAR	END YEAR	NEW ALLOCATION								TOTAL COST & FUNDING
			REGIONAL TRANSPORTAITON PROGRAM FY 2007/08 - 2017/18								
			2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/16	2016/17	
Preliminary Engineering *1 FUNDING PROGRAM	2008/09	2011/12	\$1,000	\$1,000	\$0,000	\$8,836		\$0,000		\$0,000	\$10,836
Measure "C" Original Program	PSE & E					\$8,836					\$8,836
Measure "C" Extension PAID			\$0,750	\$0,750							\$1,500
RTMF											\$0,000
STIP											\$0,000
TCRP											\$0,000
Local Development Fees PAID			\$0,250	\$0,250							\$0,000
Federal Aid											\$0,500
Other State (Specify)											\$0,000
Other Local (Specify)											\$0,000
Other Local (Specify)											\$0,000
Other Local (Specify)											\$0,000
TOTAL FUNDING PHASE 1:			\$1,000	\$1,000	\$0,000	\$8,836	\$0,000	\$0,000	\$0,000	\$0,000	\$10,836

PROJECT PHASE	START YEAR	END YEAR	NEW ALLOCATION								TOTAL COST & FUNDING
			REGIONAL TRANSPORTAITON PROGRAM FY 2007/08 - 2016/17								
			2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/16	2016/17	
Right-of-Way *2 FUNDING PROGRAM	2012/13	2013/14	\$0,000	\$0,000	\$0,000	\$0,000	\$15,799	\$3,421	\$0,000	\$0,000	\$19,220
Measure "C" Original Program							\$1,800				\$1,800
Measure "C" Extension							\$12,427	\$1,441			\$13,868
RTMF							\$1,572	\$1,980			\$3,552
STIP											\$0,000
TCRP											\$0,000
Local Development Fees											\$0,000
Federal Aid											\$0,000
Other State (Specify)											\$0,000
Other Local (Specify)											\$0,000
Other Local (Specify)											\$0,000
Other Local (Specify)											\$0,000
TOTAL FUNDING PHASE 2:			\$0,000	\$0,000	\$0,000	\$0,000	\$15,799	\$3,421	\$0,000	\$0,000	\$19,220

PROJECT PHASE	START YEAR	END YEAR	NEW ALLOCATION								TOTAL COST & FUNDING
			REGIONAL TRANSPORTAITON PROGRAM FY 2007/08 - 2016/17								
			2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/16	2016/17	
Construction *3 FUNDING PROGRAM			\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
Measure "C" Original Program											\$0,000
Measure "C" Extension											\$0,000
RTMF											\$0,000
STIP											\$0,000
TCRP											\$0,000
Local Development Fees											\$0,000
Federal Aid											\$0,000
Other State (Specify)											\$0,000
Other Local (Specify)											\$0,000
Other Local (Specify)											\$0,000
Other Local (Specify)											\$0,000
TOTAL FUNDING PHASE 3:			\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
TOTAL FUNDING ALL PHASES:			\$1,000	\$1,000	\$0,000	\$8,836	\$15,799	\$3,421	\$0,000	\$0,000	\$30,056

\*1 Preliminary Engineering; Preliminary Design/Engineering (P&E); Submittal only

<sup>\*1</sup> Preliminary Engineering: Preliminary Design/Engineering (P&E), Environmental

<sup>\*2</sup> Right-of-Way Acquisition

<sup>\*3</sup> Project Construction & Construction Management