

AMENDMENT NO. 5
TO COOPERATIVE PROJECT AGREEMENT
Short-Term Regional Transportation Program (STRTP)
Project N1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation

This **Amendment No. 5** to STRTP Project N1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation Project is made and entered into on the _____ day of _____, 2020 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 N1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation, ("**Agreement**"), dated June 1st, 2009, to provide \$1,500,000 in Measure C funding for the Preliminary Engineering phase of a transportation improvement project ("**Project**") in Fresno County pursuant to the Measure C Strategic Implementation Plan ("**SIP**"), and the Fresno County Measure C Extension Expenditure Plan ("**Expenditure Plan**"), which was approved by the voters of Fresno County in November, 2006; and,

WHEREAS, the **Agreement** was subsequently modified as follows:

Amendment	Date	Amendment Amount	Phase
1	12/07/2011	\$8,836,000	PE
2	10/10/2012	\$15,799,000	ROW
3	12/11/2013	\$3,421,000	ROW
4	10/28/2015	\$0	Transfer \$401.6K from ROW to PE

(Which hereinafter are collectively referenced as the "previously approved amendments"); and,

WHEREAS, under the **Agreement**, as modified by previously approved amendments, Authority shall provide funding to Responsible Agency for eligible Project costs "not to exceed" the cumulative amount of **\$29,556,000** of Measure C (Original and Extension) and Regional Transportation Mitigation Fee ("**RTMF**") Funding.

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 **Agreement**, based on the following:

- Responsible Agency desires to reallocate approximately \$1,000,000 from the preliminary engineering (PE) phase to the right of way (R/W) phase of the Project. Such reallocation of Measure C Regional Transportation Program (“**Measure C**”) and RTMF (as applicable) funding will allow the Project to further proceed with the PE and R/W phases per the revised Exhibits as more thoroughly described in Section 3.1 of this **Amendment No. 5**.
- Responsible Agency desires to proceed with Phase 3 Construction and requests allocation of an additional \$36,347,000, which will increase the total cumulative funding allocated to this Project to a “not-to-exceed” amount of \$65,903,000. Such additional Measure C Regional Transportation Program (**Measure C**) and RTMF (as applicable) funding will allow the Project to further proceed with completion of Project N1 Urban, Veterans Blvd/SR99 Interchange and Grade Separation Project, per the revised Exhibits as more thoroughly described in Section 3.1 of this **Amendment No. 5**.

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**, and which were fully incorporated therein by the provisions of Section 3.23 thereof and which previously were modified by the Prior Amendments thereto, shall be and are hereby replaced by: Exhibit “A5” (Project Scope), Exhibit “B5” (Project Schedule) and Exhibit “C5” (Project Funding Program), which are attached hereto and incorporated herein by this reference, commencing upon the Effective Date of this **Amendment No. 5** to the **Agreement**.

3.2 All work performed by the Responsible Agency under the **Agreement** prior to the Effective Date of this **Amendment No. 5** shall be governed by and compensated pursuant to the applicable Exhibits and the original Agreement as modified by the previously approved amendments thereto. All work performed commencing on or after the Effective Date of this **Amendment No. 5** shall be performed and compensated pursuant to the attached Exhibits A5, B5 and C5, and the terms of the **Agreement** as modified by this **Amendment No. 5**.

3.3 **Project Groundbreaking and Ribbon Cutting Ceremonies; and Press Conferences.** Responsible Agency shall acknowledge Measure C funding contribution to the Project at the groundbreaking and ribbon cutting ceremony and at any project Press Conferences should the Responsible Agency conduct such

events. Groundbreaking and ribbon cutting ceremonies are encouraged, but not required unless specifically requested by the Authority. Authority shall be invited to participate at all scheduled events.

3.4 **Project Signage.** Responsible Agency agrees to the following:

3.4.1 Responsible Agency shall provide signage at construction sites or on equipment, as appropriate, for the projects funded partially or wholly by Measure C sales tax revenue, so that Fresno County taxpayers are informed as to how those funds are being used. Responsible Agency shall include the Measure C logo on all project reports, bulletins, flyers, press releases, webpages or other related media.

3.4.2 Responsible Agency shall erect funding signs as a first order of work of any construction contract. The signage shall be in conformance with specifications approved by and on file with the Authority, and included in Appendix J to the SIP. Responsible Agency shall keep signs cleaned, well maintained, and visible throughout all phases of the construction contract. Signage shall remain in place at least three (3) months after completion of the Project. Installation and removal of signage is an eligible expense.

3.5 Except for those sections revised by this **Amendment No. 5**, all work performed by the Responsible Agency shall be governed by and compensated pursuant to the Original Agreement. All work commencing upon the Effective Date of this **Amendment No. 5** shall be performed and compensated pursuant to the Agreement as amended herein.

3.6 **Extension of Agreement Term and Effective Date of Amendment.**

The Effective Date of this **Amendment No. 5** 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. 5** 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. The effective term of the **Agreement** is hereby extended by this **Amendment No. 5** to December 31, 2024.

[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

REVIEWED AND APPROVED

By _____	By _____
(Signature)	(Signature)
Name Ernest "Buddy" Mendes	Name Mike Leonardo
(Typed)	(Typed)
Title Chair of the Authority	Title Executive Director

APPROVED AS TO LEGAL FORM:
DANIEL C. CEDERBORG, COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:

By _____	By _____
(Signature)	(Signature)
Name Michael E. Rowe	Name Oscar J. Garcia, C.P.A.
(Typed)	(Typed)
Title Principal Deputy County Counsel	Title Auditor-Controller/Treasurer-Tax Collector

ATTEST

CITY OF FRESNO

ATTEST

By _____	By _____
(Signature)	(Signature)
Name SCOTT MOZIER, PE	Name YVONNE SPENCE, CMC
(Typed)	(Typed)
Title Public Works Director	Title City Clerk

APPROVED AS TO FORM:
City Attorney's Office
Douglas T. Sloan, City Attorney

BY: _____
Brandon M. Collet
Senior Deputy City Attorney



EXHIBIT A5 – PROJECT SCOPE

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



Replace information below with information for subject Project phase

Responsible Agency

City of Fresno

Project Limits

The project limits for Urban Project N1 are Veterans Blvd. from Shaw Avenue to Herndon Avenue, approximately 2.2 miles.

Project Phase *(Choose the Project Phase(s) applicable to this Agreement only)*

- 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)*

Project Phase(s) Scope *(Provide detail to describe the Phase(s) that is the subject of this Agreement as checked above)*

Phase 1 includes development of PS&E and PA/ED work. The PA/ED work, which is included in Phase 1 of the Project, is complete. The portion of the work includes the development and approval of the Project Report and Project Environmental Impact Report. The PS&E work is currently underway and moving towards final construction documents. Phase 2 is the Right of Way (ROW) acquisition phase of the project, which includes the appraisal, acquisition processing and purchase of the ROW necessary for the project. Phase 3 includes the construction of the Veterans Blvd./SR 99 Interchange (Phase 3).

Complete Project Scope *(Provide detail to describe all phases of the Project - It is important for the Authority to understand the scope of the entire Project; not just the Project phase(s) that is described above).*

The project scope is the construction of Veterans Boulevard to its ultimate six-lane configuration between Barstow Avenue and Wathen Avenue, with a new overcrossing of State Route 99, on- and off-ramps, the connection to Golden State Boulevard, and a bridge spanning Golden State Boulevard. The scope also includes the extension of Sierra Avenue to Bullard 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 Golden State Boulevard connector roadway.

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 and future High-Speed Rail 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 2035 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 the 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 also included community meetings and a public hearing process. The City also participates in on-going High-Speed Rail community open house meetings to share updates on the project and how it is being coordinated with the work being done by the California High-Speed Rail Authority.

Construction Staging

This project includes the construction of a new interchange on SR 99, Veterans Blvd to its ultimate configuration between Barstow Avenue and Wathen Avenue and the extension of Sierra Avenue to Bullard Avenue. 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 continuous operations.



Detours

A very short nighttime freeway detour will be required for falsework placement. Otherwise existing transportation facilities will be unaffected by the project.

Current Status

The PA/ED work, which is included in Phase 1 of the Project, is complete. The portion of the work includes the development and approval of the Project Report and Project Environmental Impact Report. The remaining preliminary engineering work in Phase 1 is approximately ninety percent complete. Phase 2 is approximately ninety five percent complete with the necessary right-of-way acquisition and utility relocation work. Phase 3 construction work is scheduled to start in Summer 2021.

Contact

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



EXHIBIT C5 -PROJECT FUNDING PROGRAM

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



Replace information below with information for subject Project phase

Responsible Agency

City of Fresno

Project Limits

The project limits for Urban Project N1 are Veterans Blvd. from Shaw Avenue to Herndon Avenue, approximately 2.2 miles.

Project Phase *(Choose all applicable to this Agreement – funding for the phase(s) must be fully funded at the time that the agreement is approved by the Authority and the Responsible Agency)*

- 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)*

Contact

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

Funding Program *(\$ in millions)*

(Double click on Table on the following page to complete for all Project phases – It is important for the Authority to understand the funding program for the entire Project; not just the Project phase(s) that is checked above and the subject of this Agreement.)

Measure "C" Short-Range Regional Transportation Program | Project Funding Program – Project U-N1 - Exhibit C5

PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING '2007/08-19/20	NEW ALLOCATION				TOTAL COST & FUNDING
				REGIONAL TRANSPORTATION PROGRAM FY 2020/21 - 2023/24				
				2020/21	2021/22	2022/23	2023/24	
Preliminary Engineering *1	2007/08	2021/22	\$10.238	\$0.000	\$0.000	\$0.000	\$0.000	\$10.238
FUNDING PROGRAM								
Measure "C" Original Program			\$8.238					\$8.238
Measure "C" Extension			\$1.500					\$1.500
RTMF								\$0.000
STIP								\$0.000
TCRP								\$0.000
Local Development Fees			\$0.500					\$0.500
Federal Aid								\$0.000
Other State (AHSC)								\$0.000
Other Local (Measure C Bikeways)								\$0.000
Other Local (Specify)								\$0.000
Other Local (Specify)								\$0.000
TOTAL FUNDING PHASE 1:			\$10.238	\$0.000	\$0.000	\$0.000	\$0.000	\$10.238
FUNDING PROGRAM								
Measure "C" Original Program			\$2.398					\$2.398
Measure "C" Extension			\$13.868					\$13.868
RTMF			\$3.552					\$3.552
STIP								\$0.000
TCRP								\$0.000
Local Development Fees								\$0.000
Federal Aid								\$0.000
Other State (AHSC)								\$0.000
Other Local (Measure C Bikeways)								\$0.000
Other Local (Specify)								\$0.000
Other Local (Specify)								\$0.000
TOTAL FUNDING PHASE 2:			\$19.818	\$0.000	\$0.000	\$0.000	\$0.000	\$19.818
FUNDING PROGRAM								
Construction *3	2019/20	2023/24	\$0.000	\$62.504	\$0.000	\$0.000	\$0.000	\$62.504
FUNDING PROGRAM								
Measure "C" Original Program				\$3.124				\$3.124
Measure "C" Extension				\$3.202				\$3.202
RTMF				\$30.021				\$30.021
STIP				\$14.616				\$14.616
TCRP								\$0.000
Local Development Fees				\$1.000				\$1.000
Federal Aid (BUILD)				\$10.541				\$10.541
Other State (AHSC)								\$0.000
Other Local (Measure C Bikeways)								\$0.000
Other Local (Specify)								\$0.000
Other Local (Specify)								\$0.000
TOTAL FUNDING PHASE 3:			\$0.000	\$62.504	\$0.000	\$0.000	\$0.000	\$62.504
TOTAL FUNDING ALL PHASES:			\$30.056	\$62.504	\$0.000	\$0.000	\$0.000	\$92.560

*1 Preliminary Engineering: Preliminary Design/Engineering (PS/E), Environmental

*2 Right-of-Way Acquisition