

AGENDA
Mountain/Desert Policy Committee

October 11, 2024

9:30 AM

Location

Mojave Desert Air Quality Management District
Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392

TELECONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION:

Needles City Hall
817 Third Street
Needles, CA 92363

Mountain/Desert Policy Committee Membership

Chair

Debra Jones, Council Member
City of Victorville

Carmen Hernandez, Council Member
City of Barstow

Rick Denison, Council Member
Town of Yucca Valley

Vice Chair

Rebekah Swanson, Mayor Pro Tem
City of Hesperia

Rick Herrick, Council Member
City of Big Bear Lake

Paul Cook, Supervisor
County of San Bernardino

Daniel Ramos, Mayor Pro Tem
City of Adelanto

Janet Jernigan, Mayor
City of Needles

Dawn Rowe, Supervisor
County of San Bernardino

Art Bishop, Mayor Pro Tem
Town of Apple Valley

Joel Klink, Mayor Pro Tem
City of Twentynine Palms

**San Bernardino County Transportation Authority
San Bernardino Council of Governments**

AGENDA

Mountain/Desert Policy Committee

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14306 Park Avenue, Victorville, CA 92392**

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**Needles City Hall
817 Third Street
Needles, CA 92363**

Items listed on the agenda are intended to give notice to members of the public of a general description of matters to be discussed or acted upon. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional *“Meeting Procedures”* and agenda explanations are attached to the end of this agenda.

CALL TO ORDER

(Meeting Chaired by Debra Jones)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications – Betty Pineda

Public Comment

Brief Comments from the General Public

Note: Public Comment on items listed on this agenda will be allowed only during this committee meeting. No public comment will be allowed on committee items placed on the Consent Agenda at the Board of Directors meeting. If an item has substantially changed after consideration during the committee meeting, the item will be placed on Discussion for Board and public comment will be allowed.

Possible Conflict of Interest Issues

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

1. Information Relative to Possible Conflict of Interest

Pg. 13

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

This item is prepared for review by Board and Committee members.

DISCUSSION ITEMS

Discussion - Project Delivery

2. US 395 Phase 2 Project Preview of the Hearings to Consider Resolutions of Necessity for Property interests within the Cities of Hesperia and Victorville

Pg. 15

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase 2 Project in the Cities of Hesperia and Victorville.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-031 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Victor Valley Community College District (Assessor's Parcel Number 3064-571-08). The resolution must be approved by at least a two-thirds majority.

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-046 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Donald Jue (Assessor's Parcel Number 3064-541-08). The resolution must be approved by at least a two-thirds majority.

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-036 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jue Investment Partnership (Assessor's Parcel Number 3064-541-07). The resolution must be approved by at least a two-thirds majority.

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-056 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Kiss Hesperia Venture, LLC (Assessor's Parcel Number 3064-401-12). The resolution must be approved by at least a two-thirds majority.

F. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-053 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Main Hesperia, LLC (Assessor's Parcel Number 3064-401-02). The resolution must be approved by at least a two-thirds majority.

Agenda Item 2 (cont.)

G. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-047 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Yucca Terrace Investors, LLC (Assessor's Parcel Number 3064-401-01). The resolution must be approved by at least a two-thirds majority.

H. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-041 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: United States Cold Storage of California (Assessor's Parcel Number 3064-421-01 and 3064-421-03). The resolution must be approved by at least a two-thirds majority.

I. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-023 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Hazboon Family Trust (Assessor's Parcel Number 3064-371-11). The resolution must be approved by at least a two-thirds majority.

J. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-055 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Victorville, LLC (Assessor's Parcel Number 3136-37102). The resolution must be approved by at least a two-thirds majority.

K. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-054 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Baldy Mesa County Water District (Assessor's Parcel Number 3136-271-01 and 3136-261-11). The resolution must be approved by at least a two-thirds majority.

L. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-028 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Walden J. Dahl (Assessor's Parcel Number 3136-261-10). The resolution must be approved by at least a two-thirds majority.

M. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-040 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-07). The resolution must be approved by at least a two-thirds majority.

N. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-050 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-05). The resolution must be approved by at least a two-thirds majority.

Agenda Item 2 (cont.)

O. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-012 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-06). The resolution must be approved by at least a two-thirds majority.

P. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-011 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-03). The resolution must be approved by at least a two-thirds majority.

Q. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-030 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Slough Family Trust (Assessor's Parcel Number 3136-281-01 and 3136-281-02). The resolution must be approved by at least a two-thirds majority.

R. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-049 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shayan Capital, LLC (Assessor's Parcel Number 3136-251-01). The resolution must be approved by at least a two-thirds majority.

S. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-038 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Prime A Investments, LLC (Assessor's Parcel Number 3071-381-17 and 3071-381-18). The resolution must be approved by at least a two-thirds majority.

T. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-052 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Sycamore Properties (Assessor's Parcel Number 3071-551-02). The resolution must be approved by at least a two-thirds majority.

U. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-016 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Lighthouse Petroleum-Victorville, LLC (Assessor's Parcel Number 3071-331-11). The resolution must be approved by at least a two-thirds majority.

V. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-045 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jim V. Guthrel (Assessor's Parcel Number 3134-121-38). The resolution must be approved by at least a two-thirds majority.

Agenda Item 2 (cont.)

W. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-039 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: S.W. Irving (Assessor's Parcel Number 3134-121-22). The resolution must be approved by at least a two-thirds majority.

X. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-032 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Tsai Family Trust (Assessor's Parcel Number 3134-111-02). The resolution must be approved by at least a two-thirds majority.

Y. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-035 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Vertigo Investments Group, LLC (Assessor's Parcel Number 3134-101-02 and 3134-101-05). The resolution must be approved by at least a two-thirds majority.

Z. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-037 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Regwan Family Trust (Assessor's Parcel Number 3134-131-01). The resolution must be approved by at least a two-thirds majority.

AA. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-034 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Paradise Lake, LLC (Assessor's Parcel Number 3096-371-04). The resolution must be approved by at least a two-thirds majority.

BB. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-048 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Luna Property, LLC (Assessor's Parcel Number 3096-431-07). The resolution must be approved by at least a two-thirds majority.

CC. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-029 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TAFA Investment Partnership (Assessor's Parcel Number 3096-391-03). The resolution must be approved by at least a two-thirds majority.

DD. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-042 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: DOS3SRK Investments, LLC (Assessor's Parcel Number 3096-381-01 and 3096-381-09). The resolution must be approved by at least a two-thirds majority.

Agenda Item 2 (cont.)

EE. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-043 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The City of Victorville (Assessor's Parcel Number 3103-632-23). The resolution must be approved by at least a two-thirds majority.

FF. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-033 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Dr. Prem Reddy Family Foundation (Assessor's Parcel Number 3103-571-03). The resolution must be approved by at least a two-thirds majority.

GG. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-027 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: James J. & Sue Femino Living Trust (Assessor's Parcel Number 3103-571-02). The resolution must be approved by at least a two-thirds majority.

HH. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-044 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Palmdale Rd, LLC (Assessor's Parcel Number 3103-571-01). The resolution must be approved by at least a two-thirds majority.

Presenter: Tracy Escobedo

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item. The RONS were prepared and reviewed by outside ROW Counsel.

Discussion - Transportation Programming and Fund Administration

3. Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978

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That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,659,244 in Victor Valley Major Local Highway Program funds to the City of Adelanto for the El Mirage Road Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002978 with the City of Adelanto for the El Mirage Road Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,659,244 for a total of \$4,958,744 and extending the termination date through the anticipated project close-out date of December 31, 2026.

Presenter: Marc Lucius

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

4. Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977

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That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$146,000 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bartlett Avenue Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002977 with the City of Adelanto for the Bartlett Avenue Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$146,000 for a total of \$2,007,500 and extending the termination date through the anticipated project close-out date of June 30, 2025.

Presenter: Marc Lucius

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

5. Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975

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That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,720,966 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bellflower Street Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002975 with the City of Adelanto for the Bellflower Street Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,720,966 for a total of \$3,012,966 to include the Construction Phase as part of Project Work and extending the termination date through the anticipated project close-out date of December 31, 2025.

Presenter: Marc Lucius

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

Comments from Board Members

Brief Comments from Board Members

ADJOURNMENT

Additional Information

Attendance

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Acronyms

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Mission Statement

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The next Mountain/Desert Policy Committee meeting is scheduled for November 15, 2024.

Meeting Procedures and Rules of Conduct

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility & Language Assistance - The meeting facility is accessible to persons with disabilities. A designated area is reserved with a microphone that is ADA accessible for public speaking. A designated section is available for wheelchairs in the west side of the boardroom gallery. If assistive listening devices, other auxiliary aids or language assistance services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Service animals are permitted on SBCTA's premises. The ADA defines service animals as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work, or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Accesibilidad y asistencia en otros idiomas - Las personas con discapacidad pueden acceder a la sala de reuniones. Se reserva una zona designada con un micrófono accesible que cumple con los requisitos de la ADA para hablar en público. Una sección designada está disponible para sillas de ruedas en el lado oeste de la galería de la sala de reuniones. Si se necesitan dispositivos de ayuda auditiva, otras ayudas auxiliares o servicios de asistencia en otros idiomas para participar en la reunión pública, las solicitudes deben presentarse al Secretario de la Junta al menos tres (3) días hábiles antes de la fecha de la reunión de la Junta. Puede comunicarse con el Secretario llamando al (909) 884-8276 o enviando un correo electrónico a clerkoftheboard@gosbcta.com. La oficina se encuentra en 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Los animales de servicio están permitidos en las instalaciones de SBCTA. La ADA define a los animales de servicio como perros o caballos miniatura que son entrenados individualmente para hacer trabajo o realizar tareas para personas con discapacidades. Según la ADA, los animales de servicio deben tener un arnés o ser atados, a menos que estos dispositivos interfieran con el trabajo del animal de servicio, o que la discapacidad de la persona impida el uso de estos dispositivos. En ese caso, la persona debe mantener el control del animal a través de su voz, señales u otros controles efectivos.

Agendas – All agendas are posted at www.gosbcta.com/board/meetings-agendas/ at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3rd Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting.

Agenda Actions – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

Closed Session Agenda Items – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the President of the Board or Committee Chair (“President”) will announce the subject matter of the closed session. If reportable action is taken in closed session, the President shall report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item, except Board agenda items that were previously considered at a Policy Committee meeting where there was an opportunity for public comment. Individuals in attendance at SBCTA who desire to speak on an item may complete and turn in a "Request to Speak" form, specifying each item an individual wishes to speak on. Individuals may also indicate their desire to speak on an agenda item when the President asks for public comment. When recognized by the President, speakers should be prepared to step forward and announce their name for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The President or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Any individual who wishes to share written information with the Board may provide 35 copies to the Clerk of the Board for distribution. If providing written information for distribution to the Board, such information must be emailed to the Clerk of the Board, at clerkoftheboard@gosbcta.com, no later than 5:00 pm the day before the meeting in order to allow sufficient time to distribute the information. Information provided as public testimony is not read into the record by the Clerk. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda. Any consent item that is pulled for discussion shall be treated as a discussion item, allowing further public comment on those items.

Public Comment –An opportunity is also provided for members of the public to speak on any subject within the Board’s jurisdiction. Matters raised under “Public Comment” will not be acted upon at that meeting. See, “Public Testimony on an Item,” above.

Disruptive or Prohibited Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the President may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner.

Your cooperation is appreciated!

**General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Attendance.

- The President of the Board or Chair of a Policy Committee (Chair) has the option of taking attendance by Roll Call. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name.
- A Member/Alternate who arrives after attendance is taken shall announce his/her name prior to voting on any item.
- A Member/Alternate who wishes to leave the meeting after attendance is taken but before remaining items are voted on shall announce his/her name and that he/she is leaving the meeting.

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee. Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.
- Votes at teleconferenced meetings shall be by roll call, pursuant to the Brown Act, or, at any meeting, upon the demand of five official representatives present or at the discretion of the presiding officer.

The Vote as specified in the SBCTA Administrative Code and SANBAG Bylaws.

- Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the Alternate shall be entitled to vote. (Note that Alternates may vote only at meetings of the Board of Directors, Metro Valley Study Session and Mountain/Desert Policy Committee.)

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the Chair shall ask the maker of the original motion if he or she would like to amend the motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is voted upon first, and if it fails, then the original motion is considered.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a Member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively, and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time to time, circumstances may require deviation from general practice (but not from the Brown Act or agency policy).
- Deviation from general practice is at the discretion of the Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016

Revised June 7, 2023

Minute Action

AGENDA ITEM: 1

Date: *October 11, 2024*

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background:

In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No. 2 – US 395 Phase 2 Preview of Hearing to Consider Resolutions of Necessity	
APN#	Principals & Agents
3064-571-08	Victor Valley Community College District
3064-541-08	Donald Jue
3064-541-07	Jue Investment Partnership
3064-401-12	Kiss Hesperia Venture, LLC
3064-401-02	Main Hesperia, LLC
3064-401-01	Yucca Terrace Investors, LLC
3064-421-01	United States Cold Storage of California
3064-421-03	United States Cold Storage of California
3064-371-11	The Hazboon Family Trust
3136-371-02	395 Victorville, LLC
3136-271-01	Baldy Mesa County Water District
3136-261-11	Baldy Mesa County Water District
3136-261-10	Walden J. Dahl
3136-261-07	Ravneet Kaur
3136-261-05	Ravneet Kaur
3136-251-06	TK Properties, LLC/R J Premier Properties, LLC
3136-251-03	TK Properties, LLC/R J Premier Properties, LLC
3136-281-01	Slough Family Trust
3136-281-02	Slough Family Trust
3136-251-01	Shayan Capital, LLC
3071-381-17	Prime A Investments, LLC
3071-381-18	Prime A Investments, LLC
3071-551-02	Sycamore Properties
3071-331-11	Lighthouse Petroleum-Victorville, LLC

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

Mountain-Desert Committee Agenda Item

October 11, 2024

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Item No. 2 Cont. – US 395 Phase 2 Preview of Hearing to Consider Resolutions of Necessity	
APN#	Principals & Agents
3134-121-38	Jim V. Guthrel
3134-121-22	S.W. Irving
3134-111-02	Tsai Family Trust
3134-101-02	Vertigo Investments Group, LLC
3134-101-05	Vertigo Investments Group, LLC
3134-131-01	Regwan Family Trust
3096-371-04	Paradise Lake, LLC
3096-431-07	395 Luna Property, LLC
3096-391-03	TAFA Investment Partnership
3096-381-01	DOS3SRK Investments, LLC
3096-381-09	DOS3SRK Investments, LLC
3103-632-23	City of Victorville
3103-571-03	Dr. Prem Reddy Family Foundation
3103-571-02	James J. & Sue Femino Living Trust
3103-571-01	Palmdale Rd, LLC

Item No.	Contract No.	Principals & Agents	Subcontractors
3	23-1002978-01	City of Adelanto	None
4	23-1002977-01	City of Adelanto	None
5	23-1002975-01	City of Adelanto	None

Financial Impact:

This item has no direct impact on the budget.

Reviewed By:

This item is prepared for review by Board and Committee members.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Mountain-Desert Committee
Date: October 11, 2024

Witnessed By:

Minute Action

AGENDA ITEM: 2

Date: *October 11, 2024*

Subject:

US 395 Phase 2 Project Preview of the Hearings to Consider Resolutions of Necessity for Property interests within the Cities of Hesperia and Victorville

Recommendation:

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase 2 Project in the Cities of Hesperia and Victorville.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-031 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Victor Valley Community College District (Assessor's Parcel Number 3064-571-08). The resolution must be approved by at least a two-thirds majority.

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-046 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Donald Jue (Assessor's Parcel Number 3064-541-08). The resolution must be approved by at least a two-thirds majority.

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-036 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jue Investment Partnership (Assessor's Parcel Number 3064-541-07). The resolution must be approved by at least a two-thirds majority.

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-056 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Kiss Hesperia Venture, LLC (Assessor's Parcel Number 3064-401-12). The resolution must be approved by at least a two-thirds majority.

F. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-053 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Main Hesperia, LLC (Assessor's Parcel Number 3064-401-02). The resolution must be approved by at least a two-thirds majority.

G. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-047 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Yucca Terrace Investors, LLC (Assessor's Parcel Number 3064-401-01). The resolution must be approved by at least a two-thirds majority.

Entity: San Bernardino County Transportation Authority

Mountain-Desert Committee Agenda Item

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H. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-041 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: United States Cold Storage of California (Assessor's Parcel Number 3064-421-01 and 3064-421-03). The resolution must be approved by at least a two-thirds majority.

I. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-023 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Hazboon Family Trust (Assessor's Parcel Number 3064-371-11). The resolution must be approved by at least a two-thirds majority.

J. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-055 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Victorville, LLC (Assessor's Parcel Number 3136-371-02). The resolution must be approved by at least a two-thirds majority.

K. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-054 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Baldy Mesa County Water District (Assessor's Parcel Number 3136-271-01 and 3136-261-11). The resolution must be approved by at least a two-thirds majority.

L. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-028 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Walden J. Dahl (Assessor's Parcel Number 3136-261-10). The resolution must be approved by at least a two-thirds majority.

M. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-040 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-07). The resolution must be approved by at least a two-thirds majority.

N. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-050 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-05). The resolution must be approved by at least a two-thirds majority.

O. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-012 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-06). The resolution must be approved by at least a two-thirds majority.

P. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-011 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-03). The resolution must be approved by at least a two-thirds majority.

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Q. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-030 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Slough Family Trust (Assessor's Parcel Number 3136-281-01 and 3136-281-02). The resolution must be approved by at least a two-thirds majority.

R. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-049 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shayan Capital, LLC (Assessor's Parcel Number 3136-251-01). The resolution must be approved by at least a two-thirds majority.

S. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-038 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Prime A Investments, LLC (Assessor's Parcel Number 3071-381-17 and 3071-381-18). The resolution must be approved by at least a two-thirds majority.

T. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-052 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Sycamore Properties (Assessor's Parcel Number 3071-551-02). The resolution must be approved by at least a two-thirds majority.

U. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-016 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Lighthouse Petroleum-Victorville, LLC (Assessor's Parcel Number 3071-331-11). The resolution must be approved by at least a two-thirds majority.

V. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-045 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jim V. Guthrel (Assessor's Parcel Number 3134-121-38). The resolution must be approved by at least a two-thirds majority.

W. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-039 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: S.W. Irving (Assessor's Parcel Number 3134-121-22). The resolution must be approved by at least a two-thirds majority.

X. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-032 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Tsai Family Trust (Assessor's Parcel Number 3134-111-02). The resolution must be approved by at least a two-thirds majority.

Y. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-035 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Vertigo Investments Group, LLC (Assessor's Parcel Number 3134-101-02 and 3134-101-05). The resolution must be approved by at least a two-thirds majority.

San Bernardino County Transportation Authority

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Z. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-037 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Regwan Family Trust (Assessor's Parcel Number 3134-131-01). The resolution must be approved by at least a two-thirds majority.

AA. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-034 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Paradise Lake, LLC (Assessor's Parcel Number 3096-371-04). The resolution must be approved by at least a two-thirds majority.

BB. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-048 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Luna Property, LLC (Assessor's Parcel Number 3096-431-07). The resolution must be approved by at least a two-thirds majority.

CC. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-029 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Tafa Investment Partnership (Assessor's Parcel Number 3096-391-03). The resolution must be approved by at least a two-thirds majority.

DD. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-042 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: DOS3SRK Investments, LLC (Assessor's Parcel Number 3096-381-01 and 3096-381-09). The resolution must be approved by at least a two-thirds majority.

EE. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-043 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The City of Victorville (Assessor's Parcel Number 3103-632-23). The resolution must be approved by at least a two-thirds majority.

FF. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-033 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Dr. Prem Reddy Family Foundation (Assessor's Parcel Number 3103-571-03). The resolution must be approved by at least a two-thirds majority.

GG. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-027 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: James J. & Sue Femino Living Trust (Assessor's Parcel Number 3103-571-02). The resolution must be approved by at least a two-thirds majority.

HH. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-044 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Palmdale Rd, LLC (Assessor's Parcel Number 3103-571-01). The resolution must be approved by at least a two-thirds majority.

San Bernardino County Transportation Authority

Background:

San Bernardino County Transportation Authority (SBCTA) is proceeding with the delivery of the US 395 Phase 2 Project (Project). The acquisition of temporary construction easements (TCE), permanent easements, and partial fee areas from 52 properties is required to construct and operate the Project.

On September 8, 2022, SBCTA and California Department of Transportation (Caltrans) executed Cooperative Agreement No. 22-1002816 for the final design and Right-of-Way (ROW) phase of this Project. Under the cooperative agreement, SBCTA is to lead the acquisition of ROW needed to construct and operate the Project.

In an effort to maintain the Project schedule, it is necessary to comply with the statutorily prescribed process for eminent domain and conduct hearings for a Resolution of Necessity for each property while negotiations continue. Therefore, the purpose of this agenda item is to present information regarding the public interest and necessity for the Project and the property rights required for Project implementation. Although the adoption of Resolutions of Necessity is recommended for the subject properties in order to maintain the Project schedule and avoid delay costs, SBCTA's acquisition agents will continue to negotiate with the property owners in an effort to acquire the property interests through a voluntary purchase and avoid litigation.

The owners of the subject properties are:

- Victor Valley Community College District
- Donald Jue
- Jue Investment Partnership
- Kiss Hesperia Venture, LLC
- Main Hesperia, LLC
- Yucca Terrace Investors, LLC
- United States Cold Storage of California
- The Hazboon Family Trust
- 395 Victorville, LLC
- Baldy Mesa County Water District
- Walden J. Dahl
- Ravneet Kaur
- TK Properties, LLC/R J Premier Properties, LLC
- Slough Family Trust
- Shayan Capital, LLC
- Prime A Investments, LLC
- Sycamore Properties
- Lighthouse Petroleum-Victorville, LLC

- Jim V. Guthrel
- S.W. Irving
- Tsai Family Trust
- Vertigo Investments Group, LLC
- Regwan Family Trust
- Paradise Lake, LLC
- 395 Luna Property, LLC
- TAFA Investment Partnership
- DOS3SRK Investments, LLC
- The City of Victorville
- Dr. Prem Reddy Family Foundation
- James J. & Sue Femino Living Trust
- Palmdale Rd, LLC

Support for the Resolutions of Necessity

SBCTA is authorized to acquire property by eminent domain pursuant to the California Public Utilities Code Sections 130220.5 and 130809(b)(4). Eminent domain will allow SBCTA to obtain legal rights to the properties needed for the Project if a negotiated sale cannot be reached. A Resolution of Necessity is the first step in the eminent domain process. Since the process takes several months, it is necessary to start this process now to ensure that possession of the property is obtained in time to meet the scheduled delivery and to avoid costly ROW delays.

In order to adopt the Resolutions of Necessity, SBCTA must make the four findings discussed below for each of the properties. The issue of the amount of just compensation for these properties is not addressed by these Resolutions of Necessity and is not to be considered at the hearings. The four necessary findings are:

1. The public interest and necessity require the Project.

The Project is located in the Cities of Hesperia and Victorville of San Bernardino County. The Project will widen US 395 from two to four lanes with a raised median, turning lanes, and eight-foot shoulders between Interstate 15 and Palmdale Road (SR 18). The proposed improvements will address a critical freight bottleneck in the Victor Valley region. US 395 is designated as a “Priority Interregional Highway” in the Caltrans 2021 Interregional Transportation Strategic Plan (ITSP). US 395 is widely recognized as a critical linkage for goods movement, supporting the economies of multiple inland counties and an important agricultural route to and from the Central Valley.

The purpose of the Project is to:

- Improve the efficiency and reliability of regional freight flows by closing a critical gap on US 395.
- Improve safety for all users, both motorized and non-motorized.

- Transition US 395 into a more community-centric facility that better accommodates bicycle, pedestrian, and transit travel.

If no improvements are made to US 395, the existing and future traffic congestion will not be mitigated.

2. The Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

During the environmental phase of the Project, three alternatives were studied. The Project Development Team (PDT) selected this alternative to construct as it included the least ROW impacts to the community and relieves congestion, enhancing the operational efficiency and improving access to local services. The proposed design minimizes the property required for the Project, but still requires partial acquisitions, permanent utility easements, permanent maintenance easements and the relinquishment of access rights to the highway in some areas. During the design phase, considerations had been taken that would provide access to adjacent properties where access to those properties would be affected by the Project. Epic Land Solutions, Inc., has also had numerous communications with the property owners about their needs in order to design the Project in a manner that causes the least private injury while accomplishing the greatest public good through construction of the Project.

3. Each property sought to be acquired is necessary for the Project.

While some of the Project is being constructed within existing ROW, some acquisition from the subject properties is needed to allow existing roadbed widening, retaining wall, drainage systems, and required utility relocations. For the subject properties, the following ROW interests are required:

- **Victor Valley Community College District:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Donald Jue:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Jue Investment Partnership:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Kiss Hesperia Venture, LLC:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **Main Hesperia, LLC:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **Yucca Terrace Investors, LLC:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **United States Cold Storage of California:** Two Fee Acquisitions are needed for the construction of the Project improvements.
- **The Hazboon Family Trust:** A Fee Acquisition, a Permanent Slope Easement, and a TCE are needed for the construction of the Project improvements.
- **395 Victorville, LLC:** Two Fee Acquisitions are needed for the construction of the Project improvements.

- **Baldy Mesa County Water District:** Two Fee Acquisitions, two Permanent Slope Easements, and two TCEs are needed for the construction of the Project improvements.
- **Walden J. Dahl:** A Fee Acquisition, a Permanent Slope Easement, and a TCE are needed for the construction of the Project improvements.
- **Ravneet Kaur:** Two Fee Acquisitions and two Permanent Slope Easements are needed for the construction of the Project improvements.
- **TK Properties, LLC/R J Premier Properties, LLC:** Two Fee Acquisitions are needed for the construction of the Project improvements.
- **Slough Family Trust:** Two Fee Acquisitions, two Permanent Slope Easements, and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **Shayan Capital, LLC:** Two Fee Acquisitions and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **Prime A Investments, LLC:** Two Fee Acquisitions, two Permanent Slope Easements, and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **Sycamore Properties:** A Permanent Drainage Easement is needed for the construction of the Project improvements.
- **Lighthouse Petroleum-Victorville, LLC:** A Permanent Drainage Easement is needed for the construction of the Project improvements.
- **Jim V. Guthrel:** A Fee Acquisition is needed for the construction of the Project improvements.
- **S.W. Irving:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Tsai Family Trust:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **Vertigo Investments Group, LLC:** Two Fee Acquisitions and two Permanent Slope Easements are needed for the construction of the Project improvements.
- **Regwan Family Trust:** A Fee Acquisition and a TCE are needed for the construction of the Project improvements.
- **Paradise Lake, LLC:** A Fee Acquisition and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **395 Luna Property, LLC:** A Fee Acquisition, a Permanent Drainage Easement, and two TCEs are needed for the construction of the Project improvements.
- **TAFA Investment Partnership:** A Fee Acquisition is needed for the construction of the Project improvements.
- **DOS3SRK Investments, LLC:** A Fee Acquisition, a Permanent Drainage Easement, and two TCEs are needed for the construction of the Project improvements.

- **The City of Victorville:** A TCE is needed for the construction of the Project improvements.
- **Dr. Prem Reddy Family Foundation:** Two Permanent Slope Easements are needed for the construction of the Project improvements.
- **James J. & Sue Femino Living Trust:** A Permanent Slope Easement is needed for the construction of the Project improvements.
- **Palmdale Rd, LLC:** Two TCEs are needed for the construction of the Project improvements.

4. Offers required by Section 7267.2 of the Government Code have been made to the property owners.

The properties listed below were appraised and offers for the full amount of the appraisals were made to the owner or owners of record in accordance with Section 7267.2 of the Government Code.

- The offer for the Victor Valley Community College District property was sent on August 28, 2024.
- The offer for the Donald Jue property was sent on August 30, 2024.
- The offer for the Jue Investment Partnership property was sent on August 29, 2024.
- The offer for the Kiss Hesperia Venture, LLC property was sent on September 3, 2024.
- The offer for the Main Hesperia, LLC property was sent on September 3, 2024.
- The offer for the Yucca Terrace Investors, LLC property was sent on September 3, 2024.
- The offer for the United States Cold Storage of California property was sent on August 29, 2024.
- The offer for the The Hazboon Family Trust property was sent on August 5, 2024.
- The offer for the 395 Victorville, LLC property was sent on September 3, 2024.
- The offer for the Baldy Mesa County Water District property was sent on September 3, 2024.
- The offer for the Walden J. Dahl property was sent on August 27, 2024.
- The offers for the Ravneet Kaur properties were sent on August 29, 2024 and September 3, 2024.
- The offers for the TK Properties, LLC/R J Premier Properties, LLC properties were sent on August 5, 2024.
- The offer for the Slough Family Trust property was sent on August 27, 2024.
- The offer for the Shayan Capital, LLC property was sent on August 29, 2024.
- The offer for the Prime A Investments, LLC property was sent on August 29, 2024.
- The offer for the Sycamore Properties property was sent on September 3, 2024.

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- The offer for the Lighthouse Petroleum-Victorville, LLC property was sent on August 5, 2024.
- The offer for the Jim V. Guthrel property was sent on August 30, 2024.
- The offer for the S.W. Irving property was sent on August 29, 2024.
- The offer for the Tsai Family Trust property was sent on August 28, 2024.
- The offer for the Vertigo Investments Group, LLC property was sent on August 28, 2024.
- The offer for the Regwan Family Trust property was sent on August 29, 2024.
- The offer for the Paradise Lake, LLC property was sent on August 28, 2024.
- The offer for the 395 Luna Property, LLC property was sent on September 3, 2024.
- The offer for the TAFA Investment Partnership property was sent on August 27, 2024.
- The offer for the DOS3SRK Investments, LLC property was sent on August 29, 2024.
- The offer for the City of Victorville property was sent on August 29, 2024.
- The offer for the Dr. Prem Reddy Family Foundation property was sent on August 28, 2024.
- The offer for the James J. & Sue Femino Living Trust property was sent on August 27, 2024.
- The offer for the Palmdale Rd, LLC property was sent on August 30, 2024.

Financial Impact:

The US 395 Phase 2 Project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Surface Transportation Program Funds in Program 40, Project Delivery.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item. The RONs were prepared and reviewed by outside ROW Counsel.

Responsible Staff:

Tracy Escobedo, Management Analyst II

Approved
Mountain-Desert Committee
Date: October 11, 2024

Witnessed By:

US 395 Phase 2 Project

DRY RUN RESOLUTION OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Tracy Escobedo
Right-of-Way Coordinator



San Bernardino County
Transportation Authority

Mountain/Desert Policy Committee
October 11, 2024

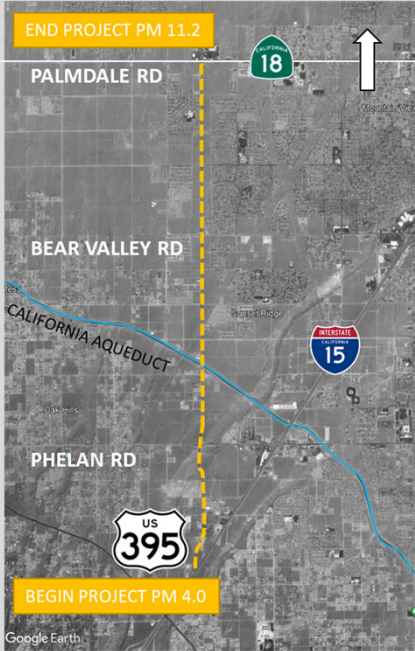
Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



SBCTA Request

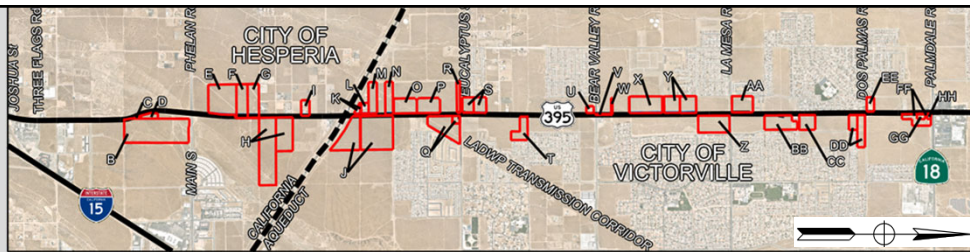


Project Overview

- Widen US 395 from 2 to 4 lanes with a raised median and eight-foot shoulders between I-15 and Palmdale Road (SR 18).
- New southbound bridge at California Aqueduct



US 395 Phase 2 Project



ID	APN	OWNER
B	3064-571-08	VICTOR VALLEY COMMUNITY COLLEGE DISTRICT
C	3064-541-08	DONALD JUE
D	3064-541-07	JUE INVESTMENT PARTNERSHIP
E	3064-401-12	KISS HESPERIA VENTURE, LLC
F	3064-401-02	MAIN HESPERIA, LLC
G	3064-401-01	YUCCA TERRACE INVESTORS, LLC
H	3064-421-01, 3064-421-03	UNITED STATES COLD STORAGE OF CALIFORNIA
I	3064-371-11	THE HAZBOON FAMILY TRUST
J	3136-371-02	395 VICTORVILLE, LLC
K	3136-271-01, 3136-261-11	BALDY MESA COUNTY WATER DISTRICT
L	3136-261-10	WALDEN J. DAHL
M	3136-261-07	RAVNEET KAUR
N	3136-261-05	RAVNEET KAUR
O	3136-251-06	TK PROPERTIES, LLC/RJ PREMIER PROPERTIES, LLC
P	3136-251-03	TK PROPERTIES, LLC/RJ PREMIER PROPERTIES, LLC
Q	3136-281-01, 3136-281-02	SLOUGH FAMILY TRUST
R	3136-251-01	SHAYAN CAPITAL, LLC

ID	APN	OWNER
S	3071-381-17, 3071-381-18	PRIME A INVESTMENTS, LLC
T	3071-551-02	SYCAMORE PROPERTIES
U	3071-331-11	LIGHTHOUSE PETROLEUM-VICTORVILLE, LLC
V	3134-121-38	JIM V. GUTHREL
W	3134-121-22	S.W. IRVING
X	3134-111-02	TSAI FAMILY TRUST
Y	3134-101-02, 3134-101-05	VERTIGO INVESTMENTS GROUP, LLC
Z	3134-131-01	REGWAN FAMILY TRUST
AA	3096-371-04	PARADISE LAKE, LLC
BB	3096-431-07	395 LUNA PROPERTY, LLC
CC	3096-391-03	TAFI INVESTMENT PARTNERSHIP
DD	3096-381-01, 3096-381-09	DOS3SRK INVESTMENTS, LLC
EE	3103-632-23	CITY OF VICTORVILLE
FF	3103-571-03	DR. PREM REDDY FAMILY FOUNDATION
GG	3103-571-02	JAMES J. & SUE FEMINO LIVING TRUST
HH	3103-571-01	PALMDALE RD, LLC

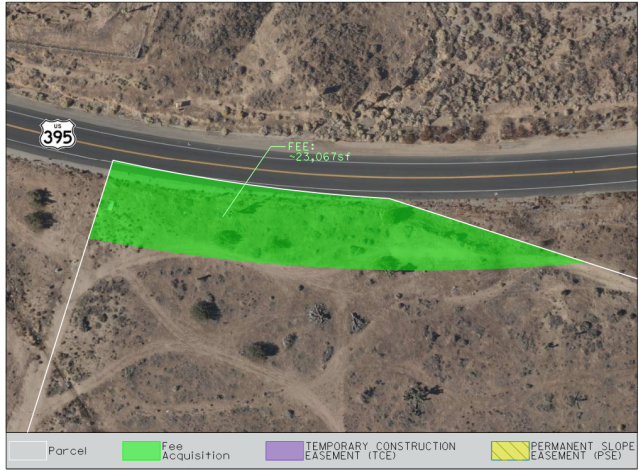


Parcel Locations

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Hesperia
APN: 3064-571-08 Owner: Victor Valley Community College District



Property "B"



Parcel Location

US-395 Phase 2 Project

City of Hesperia
APN: 3064-541-08 Owner: Donald Jue

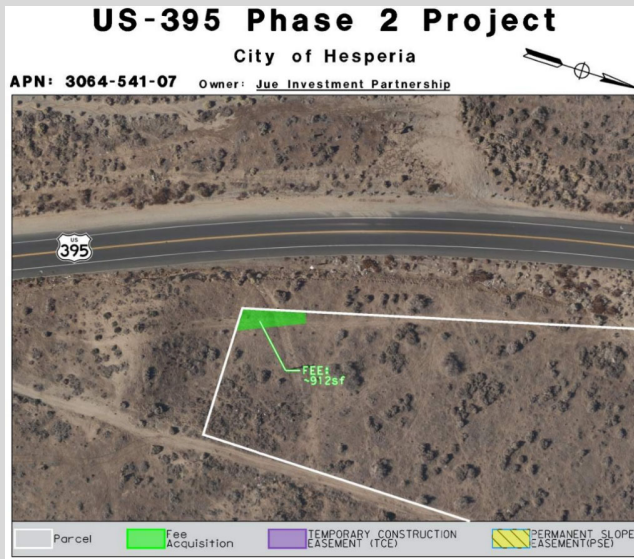


Property "C"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

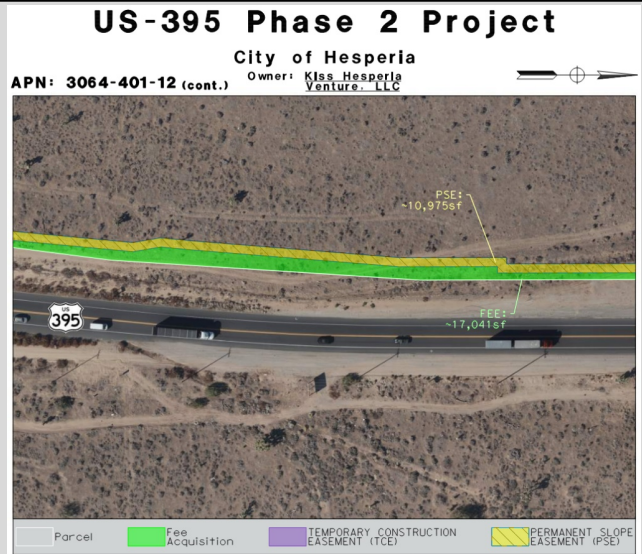
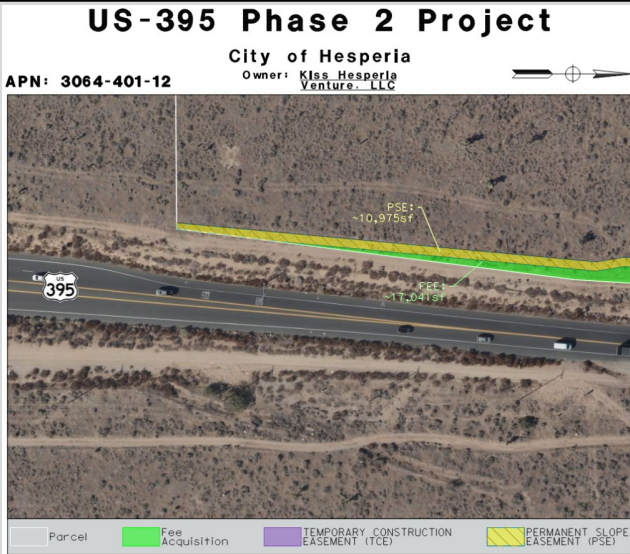


Property "D"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)



Property "E"



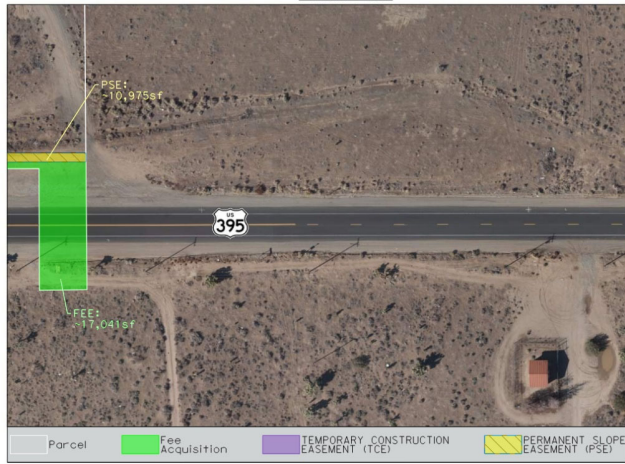
Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3064-401-12 (cont.)

Owner: Klas Hesperia
Venture, LLC



Property "E"



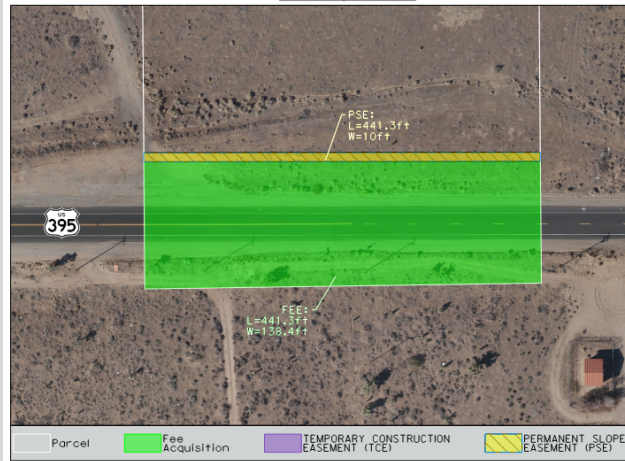
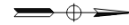
Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3064-401-02

Owner: Maln Hesperia, LLC



Property "F"



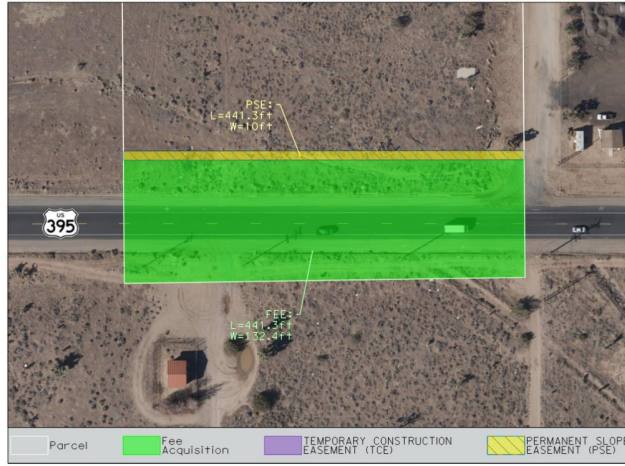
Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Hesperia

APN: 3064-401-01 Owner: Yucca Terrace Investors, LLC



Property "G"



Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3064-421-01 Owner: United States Cold Storage of California



US-395 Phase 2 Project

City of Hesperia

APN: 3064-421-03 Owner: United States Cold Storage of California

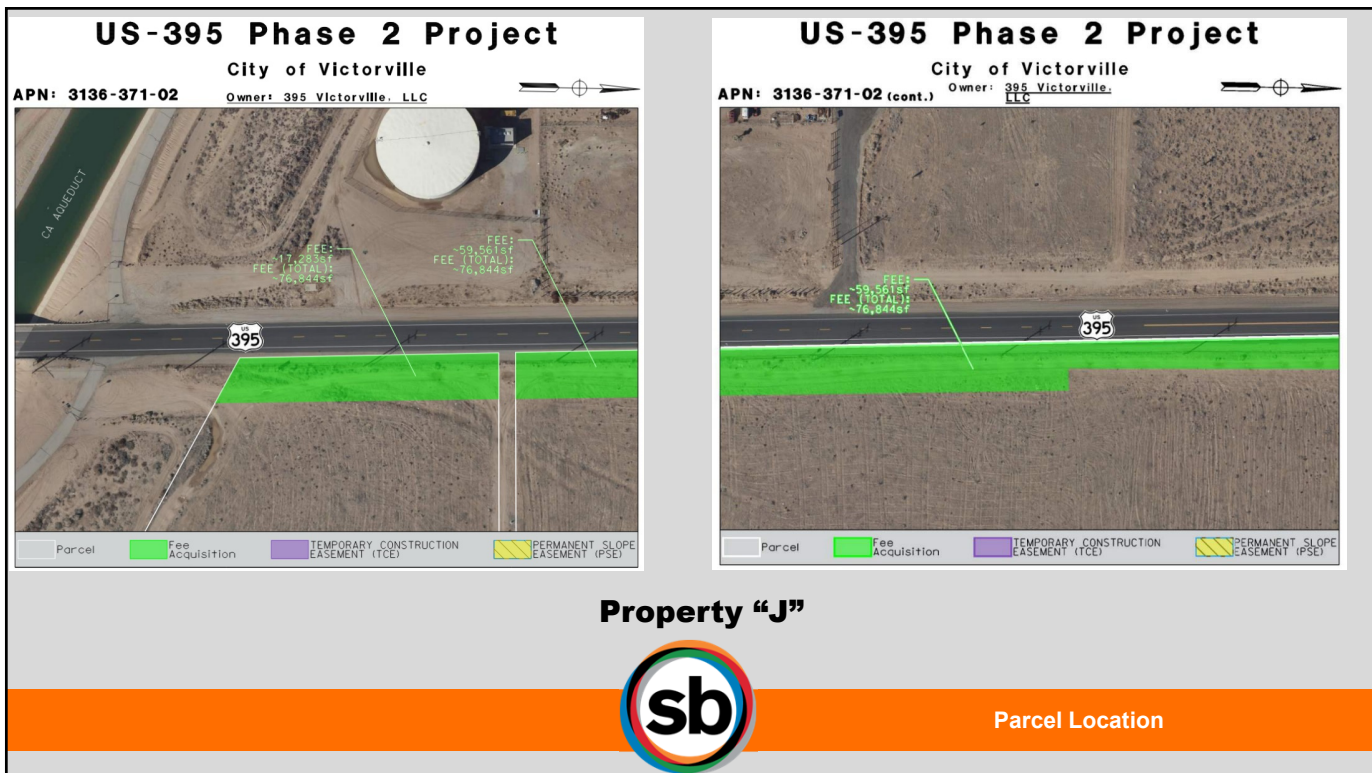
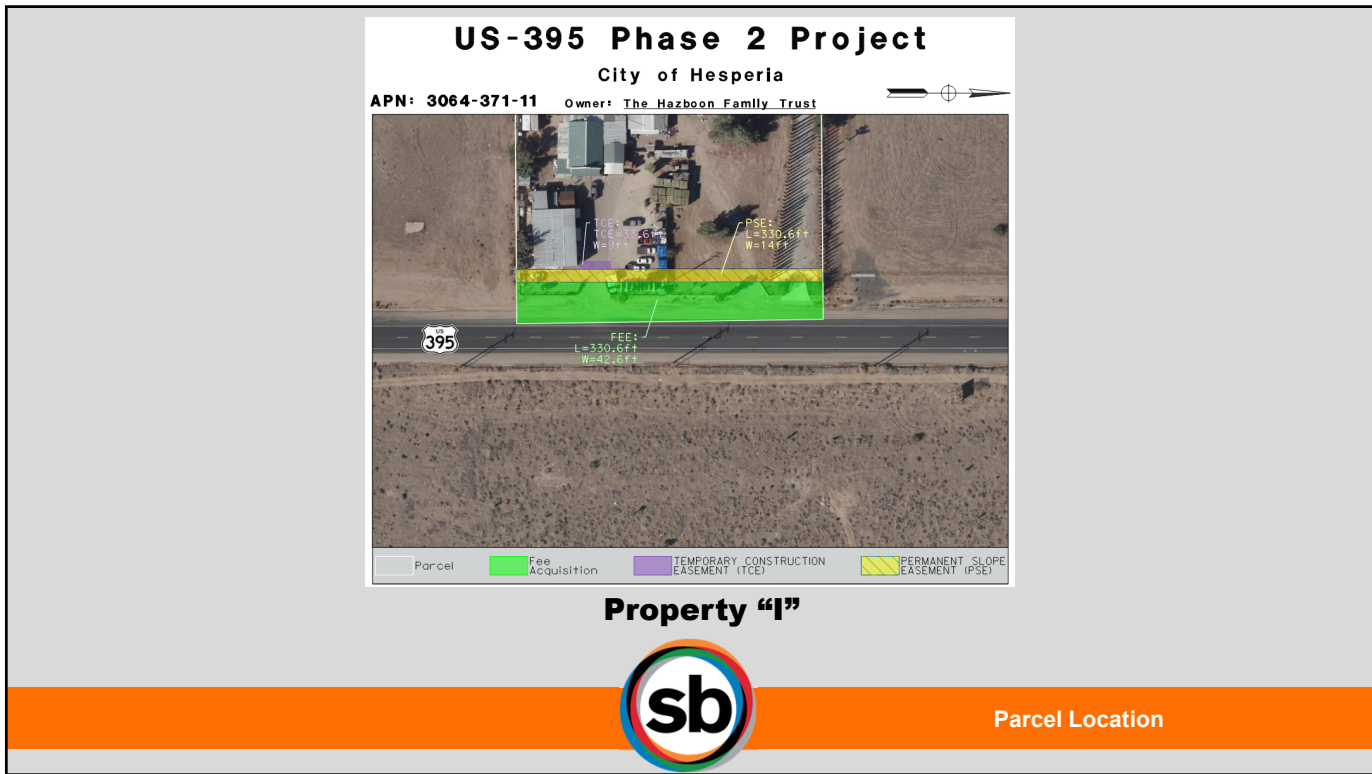


Property "H"

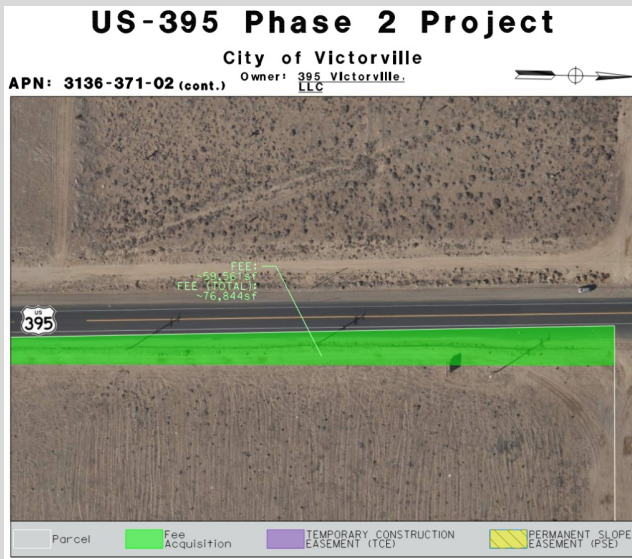


Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)



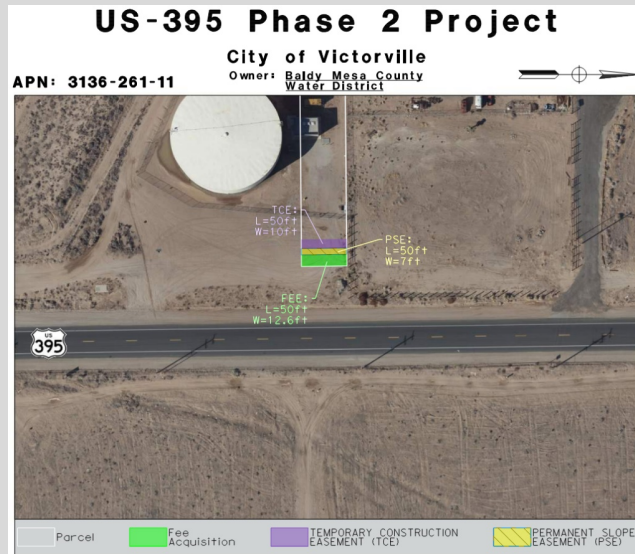
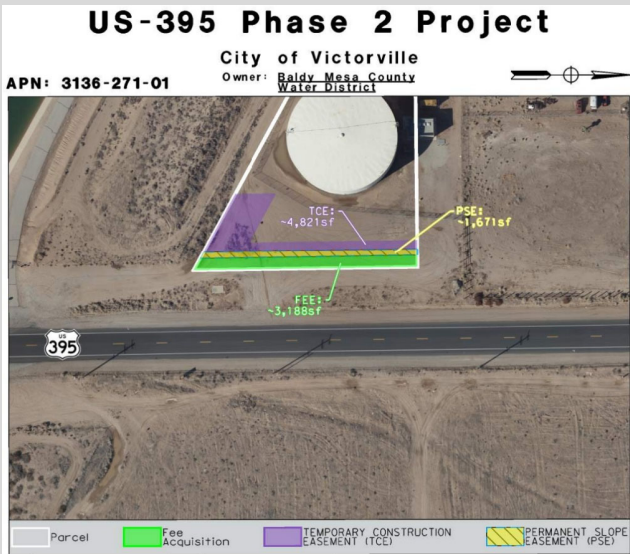
Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)



Property "J"



Parcel Location



Property "K"



Parcel Location

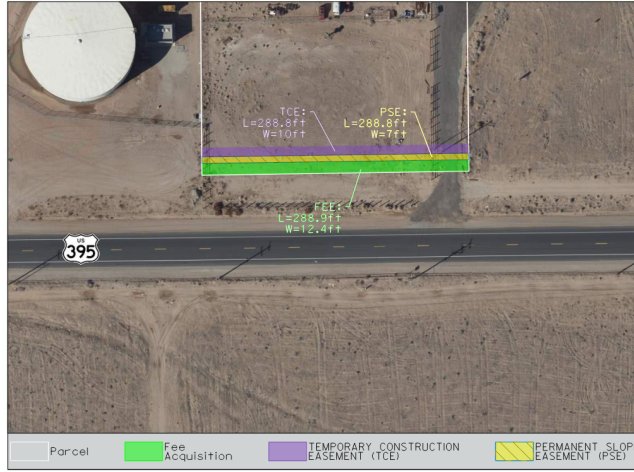
Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3136-261-10

Owner: Walden J. Dahl



Property "L"



Parcel Location

US-395 Phase 2 Project

City of Victorville

APN: 3136-261-07

Owner: Ravneet Kaur



Property "M"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3136-261-05

Owner: Ravneet Kaur



Property "N"



Parcel Location

US-395 Phase 2 Project

City of Victorville

APN: 3136-251-06

Owner: TK Properties LLC/
RJ Premier Properties, LLC



Property "O"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville



APN: 3136-251-03

Owner: TK Properties LLC/
RJ Premier Properties, LLC



Property "P"



Parcel Location

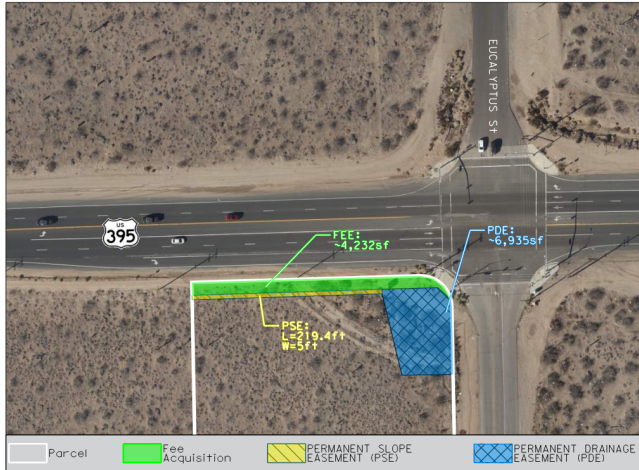
US-395 Phase 2 Project

City of Victorville



APN: 3136-281-01

Owner: Slough Family Trust



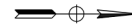
Property "Q"



Parcel Location

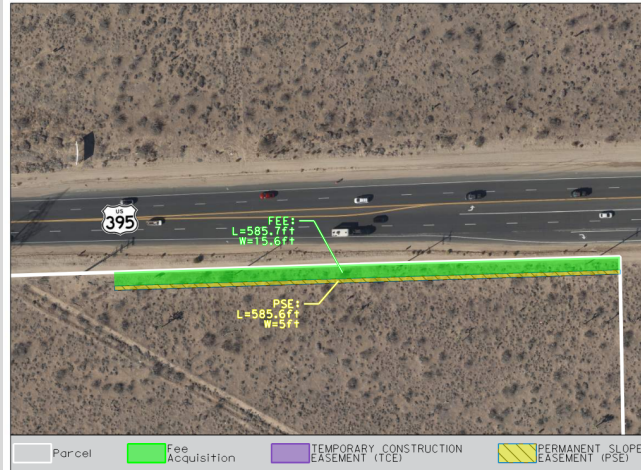
US-395 Phase 2 Project

City of Victorville



APN: 3136-281-02

Owner: Slough Family Trust



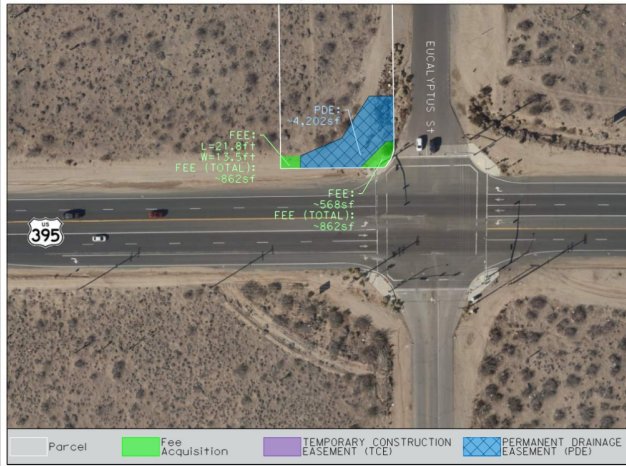
Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3136-251-01

Owner: Shayan Capital, LLC



Property "R"



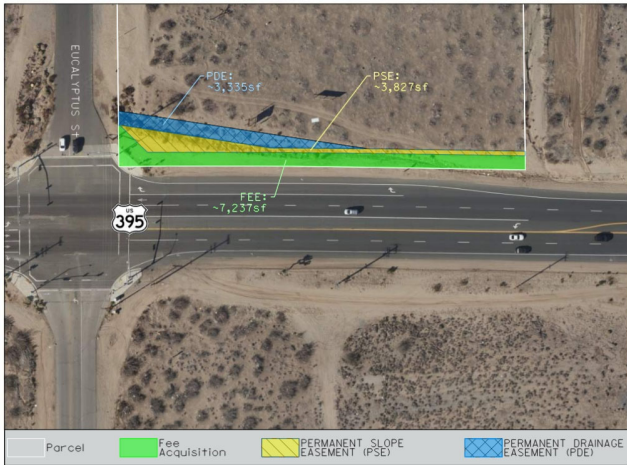
Parcel Location

US-395 Phase 2 Project

City of Victorville

APN: 3071-381-17

Owner: Prime A Investments, LLC



US-395 Phase 2 Project

City of Victorville

APN: 3071-381-18

Owner: Prime A Investments, LLC



Property "S"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3071-551-02

Owner: Sycamore Properties



Property "T"



Parcel Location

US-395 Phase 2 Project

City of Victorville

APN: 3071-331-11

Owner: Lighthouse Petroleum-Victorville, LLC



Property "U"



Parcel Location

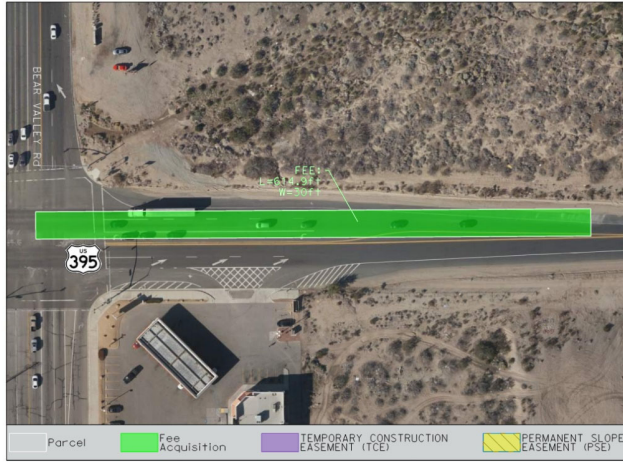
Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3134-121-38

Owner: Jim V. Guthrel



Property "V"



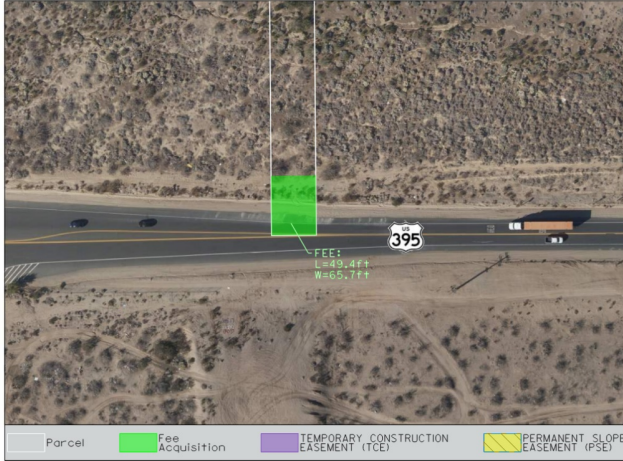
Parcel Location

US-395 Phase 2 Project

City of Victorville

APN: 3134-121-22

Owner: S.W. Irving



Property "W"



Parcel Location

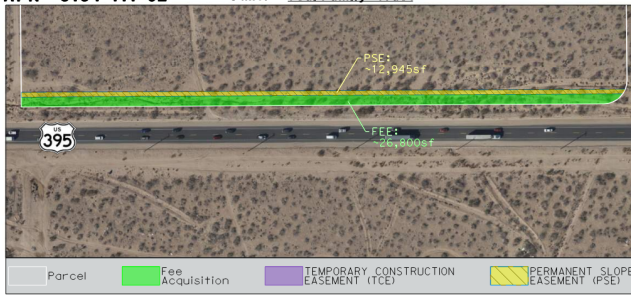
Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville



APN: 3134-111-02 Owner: Tsai Family Trust



Property "X"



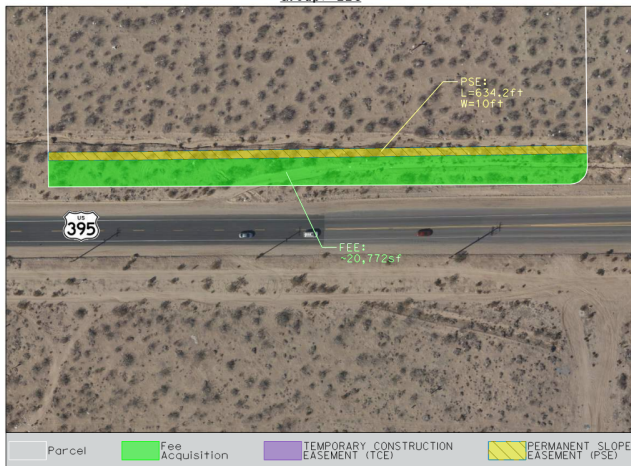
Parcel Location

US-395 Phase 2 Project

City of Victorville
Owner: Vertigo Investments Group, LLC



APN: 3134-101-02

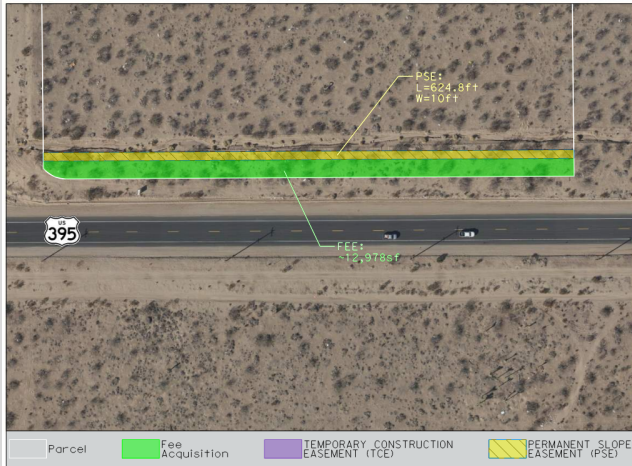


US-395 Phase 2 Project

City of Victorville
Owner: Vertigo Investments Group, LLC



APN: 3134-101-05



Property "Y"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3134-131-01

Owner: Regwan Family Trust



Property "Z"



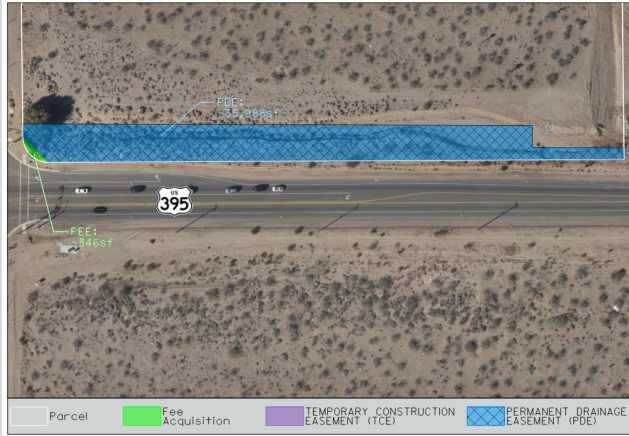
Parcel Location

US-395 Phase 2 Project

City of Victorville

APN: 3096-371-04

Owner: Paradise Lake, LLC



Property "AA"



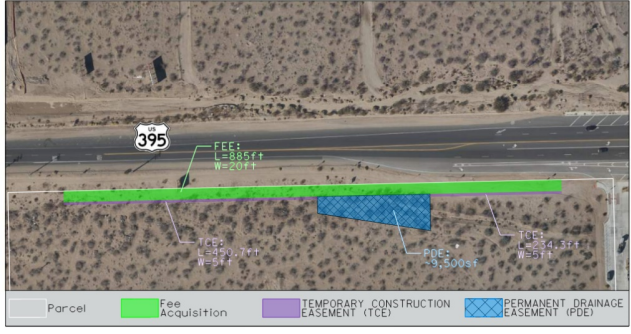
Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project City of Victorville



APN: 3096-431-07 Owner: 395 Luna Property, LLC



Property "BB"

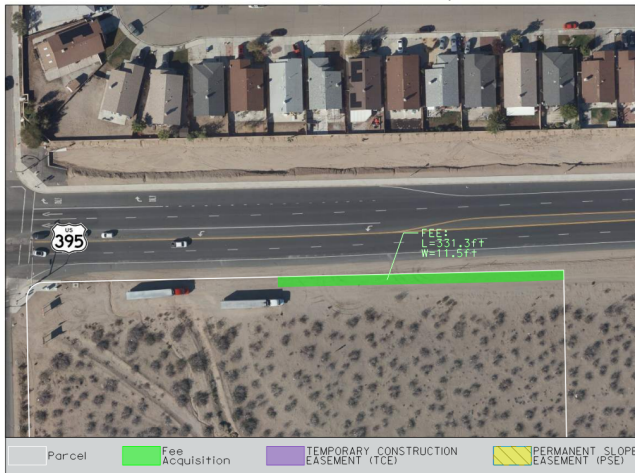


Parcel Location

US-395 Phase 2 Project City of Victorville



APN: 3096-391-03 Owner: Tafa Investment Partnership



Property "CC"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3096-381-01 Owner: DOS3SRK_Investments_LLC

Parcel Fee Acquisition TEMPORARY CONSTRUCTION EASEMENT (TCE) PERMANENT SLOPE EASEMENT (PSE)

US-395 Phase 2 Project

City of Victorville

APN: 3096-381-09 Owner: DOS3SRK_Investments_LLC

Parcel Fee Acquisition TEMPORARY CONSTRUCTION EASEMENT (TCE) PERMANENT DRAINAGE EASEMENT (PDE) PERMANENT SLOPE EASEMENT (PSE)

Property "DD"

Parcel Location

US-395 Phase 2 Project

City of Victorville

APN: 3103-632-23 Owner: City of Victorville

Parcel Fee Acquisition TEMPORARY CONSTRUCTION EASEMENT (TCE) PERMANENT SLOPE EASEMENT (PSE)

Property "EE"

Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville



APN: 3103-571-03

Owner: Dr. Prem Reddy Family Foundation



Parcel	Fee Acquisition	TEMPORARY CONSTRUCTION EASEMENT (TCE)	PERMANENT SLOPE EASEMENT (PSE)
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Property "FF"



Parcel Location

US-395 Phase 2 Project

City of Victorville



APN: 3103-571-02

Owner: James J. & Susan Fazzino Living Trust



Parcel	Fee Acquisition	TEMPORARY CONSTRUCTION EASEMENT (TCE)	PERMANENT SLOPE EASEMENT (PSE)
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Property "GG"



Parcel Location

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

US-395 Phase 2 Project

City of Victorville

APN: 3103-571-01

Owner: Palmdale Rd. LLC



Property "HH"



Parcel Location

No.	Ownership	Date of First Contact	Mailing	In Person Meetings	Phone Contacts	E-Mails	Attorney Contacts	Unsuccessful Contacts*	Total
B	Victor Valley Community College District	3/22/2024	2	0	1	5	0	1	9
C	Donald Jue	3/22/2024	2	0	4	0	0	3	9
D	Jue Investment Partnership	3/22/2024	2	0	0	4	0	2	8
E	Kiss Hesperia Venture, LLC	3/22/2024	2	0	2	12	0	0	14
F	Main Hesperia, LLC	3/22/2024	2	0	0	5	0	0	7
G	Yucca Terrace Investors, LLC	3/22/2024	2	0	0	4	0	0	6
H	United States Cold Storage of California	3/22/2024	3	0	2	0	0	3	8
I	The Hazboon Family Trust	3/22/2024	2	0	3	2	0	2	9
J	395 Victorville, LLC	3/22/2024	2	0	2	0	0	0	4
K	Baldy Mesa County Water District	3/22/2024	2	0	1	3	0	3	9
L	Walden J. Dahl	3/22/2024	2	0	3	0	0	0	5
M & N	Ravneet Kaur	3/22/2024	4	0	2	0	0	0	6
O & P	*TK Properties, LLC/RJ PREMIER PROPERTIES, LLC	3/22/2024	3	0	9	2	0	11	25
Q	Slough Family Trust	3/22/2024	3	0	7	4	0	0	14
R	Shayan Capital, LLC	3/22/2024	2	0	2	2	0	2	8
S	Prime A Investments, LLC	3/22/2024	2	0	1	14	0	0	16
T	Sycamore Properties	3/22/2024	2	0	3	3	0	2	10
U	Lighthouse Petroleum-Victorville, LLC	3/22/2024	2	0	4	8	0	1	15
V	Jim V. Guthrel	4/5/2024	2	0	2	0	0	0	4
W	S.W. Irving	3/22/2024	4	0	0	0	0	6	10
X	Tsai Family Trust	3/22/2024	2	0	0	2	0	0	4
Y	Vertigo Investments Group, LLC	3/22/2024	2	0	4	5	0	0	11
Z	Regwan Family Trust	3/22/2024	2	0	2	0	0	0	4
AA	Paradise Lake, LLC	4/2/2024	2	0	3	1	0	0	5
BB	395 Luna Property, LLC	3/22/2024	2	0	1	1	0	3	7
CC	Tafa Investment Partnership	3/22/2024	2	0	2	7	0	0	11
DD	DOS3SRK Investments, LLC	3/22/2024	4	0	3	5	0	0	12
EE	The City of Victorville	3/22/2024	2	0	3	9	0	0	14
FF	Dr. Prem Reddy Family Foundation	3/22/2024	2	0	1	14	0	0	16
GG	James J. & Sue Femino Living Trust	3/22/2024	2	0	4	0	0	0	6
HH	Palmdale Rd, LLC	3/22/2024	2	0	3	0	0	0	5

*Property visit, phone call and/or email with no response

Communications as of 9/24/2024



Communication Summary

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

Item	Ownership	Offer Date
B	Victor Valley Community College District	8/28/2024
C	Donald Jue	8/30/2024
D	Jue Investment Partnership	8/29/2024
E	Kiss Hesperia Venture, LLC	9/3/2024
F	Main Hesperia, LLC	9/3/2024
G	Yucca Terrace Investors, LLC	9/3/2024
H	United States Cold Storage of California	8/29/2024
I	The Hazboon Family Trust	8/5/2024
J	395 Victorville, LLC	9/3/2024
K	Baldy Mesa County Water District	9/3/2024
L	Walden J. Dahl	8/27/2024
M & N	Ravneet Kaur	8/29/2024 & 9/3/2024
O & P	*TK Properties, LLC/RJ PREMIER PROPERTIES, LLC	8/5/2024
Q	Slough Family Trust	8/27/2024
R	Shayan Capital, LLC	8/29/2024
S	Prime A Investments, LLC	8/29/2024
T	Sycamore Properties	9/3/2024
U	Lighthouse Petroleum-Victorville, LLC	8/5/2024
V	Jim V. Guthrel	8/30/2024
W	S.W. Irving	8/29/2024
X	Tsai Family Trust	8/28/2024
Y	Vertigo Investments Group, LLC	8/28/2024
Z	Regwan Family Trust	8/29/2024
AA	Paradise Lake, LLC	8/28/2024
BB	395 Luna Property, LLC	9/3/2024
CC	Tafa Investment Partnership	8/27/2024
DD	DOS3SRK Investments, LLC	8/29/2024
EE	The City of Victorville	8/29/2024
FF	Dr. Prem Reddy Family Foundation	8/28/2024
GG	James J. & Sue Femino Living Trust	8/27/2024
HH	Palmdale Rd, LLC	8/30/2024



Offer of Just Compensation

**SBCTA ADOPT A RESOLUTION OF NECESSITY
BASED ON THE FOLLOWING FINDINGS:**

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



Staff Recommendation

Attachment: US 395 Phase 2 Dry Run RONs Presentation Oct MDC (10785 : US 395 Phase 2 Dry Run RONs)

THANK YOU



Minute Action

AGENDA ITEM: 3

Date: *October 11, 2024*

Subject:

Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978

Recommendation:

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,659,244 in Victor Valley Major Local Highway Program funds to the City of Adelanto for the El Mirage Road Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002978 with the City of Adelanto for the El Mirage Road Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,659,244 for a total of \$4,958,744 and extending the termination date through the anticipated project close-out date of December 31, 2026.

Background:

The Measure I Expenditure Plan, as part of the Measure I Ordinance No. 04-01, includes contributions to projects along major streets and highways serving as current or future primary routes of travel within the Victor Valley Subarea. In April 2009, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) adopted the Measure I 2010-2040 Strategic Plan (Plan) to define the policy framework for the delivery of Measure I programs and projects along with developing candidate project lists, which are completed with the assistance from Subarea jurisdiction representatives. The Plan was subsequently updated in September 2017.

The City of Adelanto (City) has identified a need of an additional \$2,659,244 in Victor Valley Major Local Highway (VVMLH) Program funds for their high-priority project, the El Mirage Road Widening Project (Project). The Project generally consists of roadway widening on El Mirage Road from Route 395 to Richardson Road. This includes grading, pavement grinding, utility adjustment, asphalt concrete paving, signing, and striping. The Project is currently in the Environmental phase and is expected to begin construction activity in December 2025.

A portion of the Project was identified for funding in the 2021 Update to the 10-Year Delivery Plan, and the new Project scope will be updated accordingly in the planned 2025 Update scheduled for SBCTA Board approval in February 2025. The estimated cost for the Project is \$13,585,600, of which the Public Share amount is \$4,958,744. The Public Share amount per phase is \$109,500 for Environmental, \$365,000 for Design, and \$4,484,244 for Construction. Staff recommends approval of the allocation as sufficient funding capacity exists in the VVMLH Program to support the requested Public Share amount without affecting other committed projects in the Subarea.

Financial Impact:

The adopted Budget for Fiscal Year 2024/2025 includes sufficient Victor Valley Major Local Highway Program funds for new and amended agreements to support this allocation in Program 50, Fund Administration.

Entity: San Bernardino County Transportation Authority

Mountain-Desert Committee Agenda Item

October 11, 2024

Page 2

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

Responsible Staff:

Marc Lucius, Management Analyst II

Approved
Mountain-Desert Committee
Date: October 11, 2024

Witnessed By:

AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 23-1002978

FOR

EL MIRAGE ROAD WIDENING, ROUTE 395 TO RICHARDSON ROAD PROJECT

(CITY OF ADELANTO)

THIS Amendment No. 1 to Project Funding Agreement (“AGREEMENT”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Adelanto (“CITY”). SBCTA and CITY are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The El Mirage Road Widening, Route 395 to Richardson Road Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The Parties entered into Project Funding Agreement 23-1002978 on or about July 13, 2023, to allocate \$2,299,500 in Measure I MLHP funds for the Public Share of costs for the Project Approval and Environmental Documentation (PA&ED) and Plans, Specifications, and Estimate (PS&E), and Right-of-Way (ROW) Phases of the PROJECT; and
- D. CITY has requested to include the Construction Phase as part of PROJECT WORK; and
- E. CITY has identified a need of an additional \$2,659,244 to fully fund the Construction Phase; and
- F. CITY has requested updates to Attachment A: Description of Project and Milestones and Attachment B: Summary of Estimated Costs; and
- G. CITY has requested an extension of the Agreement termination date to December 31, 2026.

NOW, THEREFORE, the Parties agree to the following:

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

“1. To reimburse CITY for the actual cost of the PROJECT WORK up to a maximum of \$4,958,744 in MLHP funds. An estimate of costs for the PROJECT WORK is provided in

Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount without an amendment to this AGREEMENT.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:

“2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses in an amount not to exceed \$4,958,744 in MLHP Funds unless AGREEMENT is amended and approved increasing PROJECT WORK costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by CITY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA’s guidelines.”

3. 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 December 31, 2026, 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. The AGREEMENT may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT WORK described in Attachment A has not been initiated by CITY within twelve (12) months of the Effective Date of this AGREEMENT.”

4. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached as Attachment A to this Amendment No. 1 and incorporated herein.
5. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached as Attachment B to this Amendment No. 1 and incorporated herein.
6. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.
7. The Recitals set forth above are incorporated herein by this reference.
8. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.
9. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF ADELANTO

By: _____
Ray Marquez, President
Board of Directors

By: _____
Jessie Flores
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Julianna K. Tillquist
SBCTA General Counsel

By: _____
Todd Litfin
City Counsel

Date: _____

Date: _____

ATTEST:

By: _____
Brenda Lopez
Clerk of the Board

Date: _____

DRAFT

Attachment: 23-1002978-01 (10890 : Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978)

ATTACHMENT A

EL MIRAGE ROAD WIDENING, ROUTE 395 TO RICHARDSON ROAD PROJECT Revised Description of Project and Milestones

Project Title	
El Mirage Road Widening, Route 395 to Richardson Road Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
El Mirage Road Widening Project will widen El Mirage Road from Route 395 to Richardson Road from 2 to 4 travel lanes.	
Project Milestone	Proposed
Project Study Report Approved	7/31/2024
Begin Environmental (PA&ED) Phase	10/1/2024
Circulate Draft Environmental Document	11/1/2024
Draft Project Report	12/31/2024
End Environmental Phase (PA&ED Milestone)	12/31/2024
Begin Design (PS&E) Phase	1/2/2025
End Design Phase (Ready to List for Advertisement Milestone)	9/1/2025
Begin Right of Way Phase	9/30/2025
End Right of Way Phase (Right of Way Certification Milestone)	10/31/2025
Begin Construction Phase (Contract Award Milestone)	12/1/2025
End Construction Phase (Construction Contract Acceptance Milestone)	6/30/2026
Begin Closeout Phase	7/1/2026
End Closeout Phase (Closeout Report)	10/30/2026

Attachment: 23-1002978-01 (10890 : Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978)

ATTACHMENT B

EL MIRAGE ROAD WIDENING, ROUTE 395 TO RICHARDSON ROAD PROJECT Revised Summary of Estimated Costs

Phase	Total Cost	SBCTA Funds (1) (36.5%)	CITY Funds (63.5%)
Project Approval and Environmental Documentation	\$300,000	\$109,500	\$190,500
Plans, Specifications, and Estimate	\$1,000,000	\$365,000	\$635,000
Right-of-way	\$0	\$0	\$0
Construction	\$12,285,600	\$4,484,244	\$7,801,356
TOTAL	\$13,585,600	\$4,958,744	\$8,626,856

Additional Notes:

1. SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major Local Highways Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this agreement. Funding can be moved between phases without necessitating an amendment of this agreement.

Minute Action

AGENDA ITEM: 4

Date: *October 11, 2024*

Subject:

Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977

Recommendation:

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

- A. Allocate an additional \$146,000 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bartlett Avenue Widening Project.
- B. Approve Amendment No. 1 to Funding Agreement No. 23-1002977 with the City of Adelanto for the Bartlett Avenue Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$146,000 for a total of \$2,007,500 and extending the termination date through the anticipated project close-out date of June 30, 2025.

Background:

The Measure I Expenditure Plan, as part of the Measure I Ordinance No. 04-01, includes contributions to projects along major streets and highways serving as current or future primary routes of travel within the Victor Valley Subarea. In April 2009, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) adopted the Measure I 2010-2040 Strategic Plan (Plan) to define the policy framework for the delivery of Measure I programs and projects along with developing candidate project lists, which are completed with the assistance from Subarea jurisdiction representatives. The Plan was subsequently updated in September 2017.

The City of Adelanto (City) has identified a need of an additional \$146,000 in Victor Valley Major Local Highway (VVMLH) Program funds for their high-priority project, the Bartlett Avenue Widening Project (Project). The Project generally consists of roadway widening on Bartlett Avenue from Adelanto Road to Aster Road. This includes grading, pavement grinding, utility adjustment, asphalt concrete paving, signing, and striping. The Project is currently in the Environmental Phase and is expected to begin construction activity in December 2024. The City's request for funding allocation meets the eligibility requirements for the VVMLH Program as defined by the VVMLH Program Measure I 2010-2040 Strategic Plan Policy No. 40013.

While the Project was not identified for funding in the 2021 Update to the 10-Year Delivery Plan, it has since been prioritized by the City and will be updated accordingly for the planned 2025 Update scheduled for SBCTA Board approval in February 2025. The estimated cost for the Project is \$5,500,000, of which the Public Share amount is \$2,007,500. The Public Share amount per phase is \$182,500 for Design and \$1,825,000 for Construction. Staff recommends approval of the allocation as sufficient funding capacity exists in the VVMLH Program to support the requested Public Share amount without affecting other committed projects in the Subarea.

Financial Impact:

The adopted Budget for Fiscal Year 2024/2025 includes sufficient Victor Valley Major Local Highway Program funds for new and amended agreements to support this allocation in Program 50, Fund Administration.

Entity: San Bernardino County Transportation Authority

Mountain-Desert Committee Agenda Item
October 11, 2024
Page 2

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

Responsible Staff:

Marc Lucius, Management Analyst II

Approved
Mountain-Desert Committee
Date: October 11, 2024

Witnessed By:

General Contract Information

Contract No: 23-1002977 Amendment No.: 1
 Contract Class: Payable Department: Fund Administration
 Vendor No.: 00085 Vendor Name: City of Adelanto
 Description: 23-1002977 Bartlett Avenue Widening

List Any Related Contract Nos.:

Dollar Amount					
Original Contract	\$	1,861,500.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$	-
Current Amendment	\$	146,000.00	Current Amendment	\$	-
Total/Revised Contract Value	\$	2,007,500.00	Total Contingency Value	\$	-
Total Dollar Authority (Contract Value and Contingency)				\$	2,007,500.00

Contract Authorization

Board of Directors Date: 11/6/2024 Committee Item #

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? N/A No Budget Adjustment
 Local Funding Allocation N/A

Accounts Payable

Estimated Start Date: 7/31/2023 Expiration Date: 12/31/2024 Revised Expiration Date: 6/30/2025
 NHS: N/A QMP/QAP: N/A Prevailing Wage: N/A

							Total Contract Funding:		Total Contingency:		
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$		\$	
GL	4230	50	0550	0516	54840		41100000	2,007,500.00		-	
							Victor Valley MLHP	2,007,500.00		-	
GL								-		-	
GL								-		-	
GL								-		-	
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GL								-		-	
GL								-		-	
GL								-		-	

Marc Lucius Andrea Zureick
 Project Manager (Print Name) Task Manager (Print Name)

Additional Notes: Project Acctg Code: 0516.001.249.54840

Attachment: 23-1002977-01 CSS (10889 : Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977)

AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 23-1002977

FOR

BARTLETT AVENUE WIDENING, ADELANTO ROAD TO ASTER ROAD PROJECT

(CITY OF ADELANTO)

THIS Amendment No. 1 to Project Funding Agreement (“AGREEMENT”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Adelanto (“CITY”). SBCTA and CITY are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The Bartlett Avenue Widening, Adelanto Road to Aster Road Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The Parties entered into Project Funding Agreement 23-1002977 on or about July 13, 2023, to allocate \$1,861,500 in Measure I MLHP funds for the Public Share of costs for the PROJECT through Construction; and
- D. CITY has identified a need of an additional \$146,000 to fully fund the Construction Phase; and
- E. CITY has requested updates to Attachment A: Description of Project and Milestones and Attachment B: Summary of Estimated Costs; and
- F. CITY has requested an extension of the Agreement termination date to June 30, 2025.

NOW, THEREFORE, the Parties agree to the following:

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

“1. To reimburse CITY for the actual cost of the PROJECT WORK up to a maximum of \$2,007,500 in MLHP funds. An estimate of costs for the PROJECT WORK is provided in Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount without an amendment to this AGREEMENT.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:

“2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses in an amount not to exceed \$2,007,500 in MLHP Funds unless AGREEMENT is amended and approved increasing PROJECT WORK costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by CITY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA’s guidelines.”

3. 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, 2025, 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. The AGREEMENT may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT WORK described in Attachment A has not been initiated by CITY within twelve (12) months of the Effective Date of this AGREEMENT.”

4. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached as Attachment A to this Amendment No. 1 and incorporated herein.
5. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached as Attachment B to this Amendment No. 1 and incorporated herein.
6. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.
7. The Recitals set forth above are incorporated herein by this reference.
8. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.
9. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF ADELANTO

By: _____
Ray Marquez, President
Board of Directors

By: _____
Jessie Flores
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Julianna K. Tillquist
SBCTA General Counsel

By: _____
Todd Litfin
City Attorney

Date: _____

Date: _____

ATTEST:

By: _____
Brenda Lopez
Clerk of the Board

Date: _____

DRRAFT

Attachment: 23-1002977-01 (10889 : Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977)

ATTACHMENT A

BARTLETT AVENUE WIDENING, ADELANTO ROAD TO ASTER ROAD PROJECT Revised Description of Project and Milestones

Project Title	
Bartlett Avenue Widening, Adelanto Road to Aster Road Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
Bartlett Avenue Phase I project will widen Bartlett Avenue to add 2 travel lanes to existing increasing from 2 to 4 lanes from Adelanto Road to Aster Road.	
Project Milestone	Proposed
Project Study Report Approved	7/31/2023
Begin Environmental (PA&ED) Phase	8/01/2023
Circulate Draft Environmental Document	8/01/2023
Draft Project Report	8/30/2023
End Environmental Phase (PA&ED Milestone)	10/31/2023
Begin Design (PS&E) Phase	11/01/2023
End Design Phase (Ready to List for Advertisement Milestone)	7/1/2024
Begin Right of Way Phase	7/31/2024
End Right of Way Phase (Right of Way Certification Milestone)	8/1/2024
Begin Construction Phase (Contract Award Milestone)	8/30/2024
End Construction Phase (Construction Contract Acceptance Milestone)	11/30/2024
Begin Closeout Phase	12/1/2024
End Closeout Phase (Closeout Report)	3/31/2025

ATTACHMENT B

BARTLETT AVENUE WIDENING, ADELANTO ROAD TO ASTER ROAD PROJECT Revised Summary of Estimated Costs

Phase	Total Cost	SBCTA Funds (1) (36.5%)	CITY Funds (63.5%)
Project Approval and Environmental Documentation	-	-	-
Plans, Specifications, and Estimate	\$500,000	\$182,500	\$317,500
Right-of-way	-	-	-
Construction	\$5,000,000	\$1,825,000	\$3,175,000
TOTAL	\$5,500,000	\$2,007,500	\$3,492,500

Additional Notes:

1. SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major Local Highways Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this agreement. Funding can be moved between phases without necessitating an amendment of this agreement.

Minute Action

AGENDA ITEM: 5

Date: *October 11, 2024*

Subject:

Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975

Recommendation:

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,720,966 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bellflower Street Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002975 with the City of Adelanto for the Bellflower Street Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,720,966 for a total of \$3,012,966 to include the Construction Phase as part of Project Work and extending the termination date through the anticipated project close-out date of December 31, 2025.

Background:

The Measure I Expenditure Plan, as part of the Measure I Ordinance No. 04-01, includes contributions to projects along major streets and highways serving as current or future primary routes of travel within the Victor Valley Subarea. In April 2009, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) adopted the Measure I 2010-2040 Strategic Plan (Plan) to define the policy framework for the delivery of Measure I programs and projects along with developing candidate project lists, which are completed with the assistance from Subarea jurisdiction representatives. The Plan was subsequently updated in September 2017.

The City of Adelanto (City) has identified a need of an additional \$2,720,966 in Victor Valley Major Local Highway (VVMLH) Program funds for their high-priority project, the Bellflower Street Widening Project (Project). The Project generally consists of roadway widening on Bellflower Street from Air Expressway to Chamberlaine Way. This includes grading, pavement grinding, utility adjustment, asphalt concrete paving, signing, and striping. The Project is currently in the Design Phase and is expected to begin construction activity in March 2025. The City's request for funding allocation meets the eligibility requirements for the VVMLH Program as defined by the VVMLH Program Measure I 2010-2040 Strategic Plan Policy No. 40013.

While the Project was not identified for funding in the 2021 Update to the 10-Year Delivery Plan, it has since been prioritized by the City and will be updated accordingly for the planned 2025 Update scheduled for SBCTA Board approval in February 2025. The estimated cost through Construction is \$8,254,700, of which the Public Share is \$3,012,966. The Public Share amount per phase is as follows: \$73,000 for Environmental, \$219,000 for Design, and \$2,720,966 for Construction. Staff recommends approval of the allocation as sufficient funding capacity exists in the VVMLH Program to support the requested Public Share amount without affecting other committed projects in the Subarea.

Entity: San Bernardino County Transportation Authority

Mountain-Desert Committee Agenda Item

October 11, 2024

Page 2

Financial Impact:

The adopted Budget for Fiscal Year 2024/2025 includes sufficient Victor Valley Major Local Highway Program funds for new and amended agreements to support this allocation in Program 50, Fund Administration.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

Responsible Staff:

Marc Lucius, Management Analyst II

Approved
Mountain-Desert Committee
Date: October 11, 2024

Witnessed By:

General Contract Information

Contract No: 23-1002975 Amendment No.: 1
 Contract Class: Payable Department: Fund Administration
 Vendor No.: 00085 Vendor Name: City of Adelanto
 Description: 23-1002975 Bellflower Street Widening

List Any Related Contract Nos.:

Dollar Amount					
Original Contract	\$	292,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$	-
Current Amendment	\$	2,720,966.00	Current Amendment	\$	-
Total/Revised Contract Value	\$	3,012,966.00	Total Contingency Value	\$	-
Total Dollar Authority (Contract Value and Contingency)				\$	3,012,966.00

Contract Authorization

Board of Directors Date: 11/6/2024 Committee Item #

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? N/A No Budget Adjustment
 Local Funding Allocation N/A

Accounts Payable

Estimated Start Date: 7/31/2023 Expiration Date: 12/31/2024 Revised Expiration Date: 12/31/2025
 NHS: N/A QMP/QAP: N/A Prevailing Wage: N/A

							Total Contract Funding:		Total Contingency:		
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$		\$	
GL	4230	50	0550	0516	54840		41100000	3,012,966.00		-	
							Victor Valley MLHP	3,012,966.00		-	
GL								-		-	
GL								-		-	
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GL								-		-	

Marc Lucius Andrea Zureick
 Project Manager (Print Name) Task Manager (Print Name)

Additional Notes: Project Acctg Code: 0516.001.248.54840

Attachment: 23-1002975-01 CSS [Revision 1] (10888 : Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975)

AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 23-1002975

FOR

**BELLFLOWER STREET WIDENING, AIR EXPRESSWAY TO CHAMBERLAINE
WAY PROJECT**

(CITY OF ADELANTO)

THIS Amendment No. 1 to Project Funding Agreement (“AGREEMENT”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Adelanto (“CITY”). SBCTA and CITY are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The Bellflower Street Widening, Air Expressway to Chamberlaine Way Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The Parties entered into Project Funding Agreement 23-1002975 on or about July 17, 2023, to allocate \$292,000 in Measure I MLHP funds for the Public Share of costs for the Project Approval and Environmental Documentation (PA&ED) and Plans, Specifications, and Estimate (PS&E) Phases of the PROJECT; and
- D. CITY has requested to include the Construction Phase as part of PROJECT WORK; and
- E. CITY has identified a need of an additional \$2,720,966 to fully fund the Construction Phase; and
- F. CITY has requested updates to Attachment A: Description of Project and Milestones and Attachment B: Summary of Estimated Costs; and
- G. CITY has requested an extension of the Agreement termination date to December 31, 2025.

NOW, THEREFORE, the Parties agree to the following:

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

“1. To reimburse CITY for the actual cost of the PROJECT WORK up to a maximum of \$3,012,966 in MLHP funds. An estimate of costs for the PROJECT WORK is provided in

Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount without an amendment to this AGREEMENT.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:

“2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses in an amount not to exceed \$3,012,966 in MLHP Funds unless AGREEMENT is amended and approved increasing PROJECT WORK costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by CITY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA’s guidelines.”

3. 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 December 31, 2025, 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. The AGREEMENT may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT WORK described in Attachment A has not been initiated by CITY within twelve (12) months of the Effective Date of this AGREEMENT.”

4. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached as Attachment A to this Amendment No. 1 and incorporated herein.
5. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached as Attachment B to this Amendment No. 1 and incorporated herein.
6. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.
7. The Recitals set forth above are incorporated herein by this reference.
8. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.
9. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF ADELANTO

By: _____
Ray Marquez, President
Board of Directors

By: _____
Jessie Flores
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Julianna K. Tillquist
SBCTA General Counsel

By: _____
Todd Litfin
City Attorney

Date: _____

Date: _____

DRAFT

ATTEST:

By: _____
Brenda Lopez
Clerk of the Board

Date: _____

Attachment: 23-1002975-01 (10888 : Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975)

ATTACHMENT A

BELLFLOWER STREET WIDENING, AIR EXPRESSWAY TO CHAMBERLAINE WAY PROJECT Revised Description of Project and Milestones

Project Title	
Bellflower Street Widening, Air Expressway to Chamberlaine Way Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
Bellflower Street Widening Project will widen Bellflower Street to add 2 travel lanes to existing increasing from 2 to 4 lanes from Air Expressway to Chamberlaine Way.	
Project Milestone	Proposed
Project Study Report Approved	7/31/2024
Begin Environmental (PA&ED) Phase	8/1/2024
Circulate Draft Environmental Document	8/1/2024
Draft Project Report	9/1/2024
End Environmental Phase (PA&ED Milestone)	9/30/2024
Begin Design (PS&E) Phase	10/1/2024
End Design Phase (Ready to List for Advertisement Milestone)	11/1/2024
Begin Right of Way Phase	11/30/2024
End Right of Way Phase (Right of Way Certification Milestone)	12/1/2024
Begin Construction Phase (Contract Award Milestone)	3/30/2025
End Construction Phase (Construction Contract Acceptance Milestone)	6/30/2025
Begin Closeout Phase	7/1/2025
End Closeout Phase (Closeout Report)	10/30/2025

ATTACHMENT B

BELLFLOWER STREET WIDENING, AIR EXPRESSWAY TO CHAMBERLAINE WAY PROJECT Revised Summary of Estimated Costs

Phase	Total Cost	SBCTA Funds (1) (36.5%)	CITY Funds (63.5%)
Project Approval and Environmental Documentation	\$200,000.00	\$73,000.00	\$127,000.00
Plans, Specifications, and Estimate	\$600,000.00	\$219,000.00	\$381,000.00
Construction	\$7,454,700.00	\$2,720,966.00	\$4,733,734.00
TOTAL	\$8,254,700.00	\$3,012,966.00	\$5,241,734.00

Additional Notes:

1. SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major Local Highways Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this agreement. Funding can be moved between phases without necessitating an amendment of this agreement.

Additional Information

MOUNTAIN/DESERT POLICY COMMITTEE ATTENDANCE RECORD – 2024

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Daniel Ramos City of Adelanto		X	X									
Art Bishop Town of Apple Valley		X	X			X			X			
Carmen Hernandez City of Barstow		X	X			X						
Rick Herrick City of Big Bear Lake												
Rebekah Swanson City of Hesperia		X	X			X			X			
Janet Jernigan City of Needles		X							X			
Joel Klink City of Twentynine Palms		X	X						X			
Debra Jones City of Victorville		X	X			X						
Rick Denison Town of Yucca Valley		X	X			X			X			
Paul Cook County of San Bernardino		X	X			X			X			
Dawn Rowe County of San Bernardino						X						

Communication: Attendance (Additional Information)

X = Member attended meeting * = Alternate member attended meeting Empty box = Member did not attend meeting Crossed out box = Not a Committee Member at the time
 Shaded box = No meeting

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist Board Members and partners as they participate in deliberations at Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. Staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

Acronym List

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments



MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019