



Legislation Details (With Text)

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File created: 10/7/2024 **In control:** Board of Supervisors

On agenda: 11/12/2024 **Final action:** 11/12/2024

Title: Department of Transportation recommending the Board:
 1) Delegate authority to the Department of Transportation Director to approve and sign First Amendment to Utility Agreement 2934.1L with Pacific Gas and Electric Company to increase the agreement by \$360,865.59 for the amended amount of \$943,229.00 as part of the Diamond Springs Parkway - Phase 1B Project, Capital Improvement Program number 72334/36105011; and
 2) Delegate authority to the Department of Transportation Director to amend First Amendment to Utility Agreement 2934.1L for any minor modifications as necessary, including up to 125% of actual costs, throughout the term of the agreement.
 (District 3)

FUNDING: Master Circulation and Funding Plan (52%), Traffic Impact Fees (27%), State Local Partnership Program (14%), Regional Surface Transportation Program (4%), State Highway Operation and Protection Program (3%), Tribe Funds (historical (<1%)), and Road Fund (<1%). (Local and State Funds)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved Amendment Routing Sheet, 2. B - First Amendment Utility Agreement 2934.1L, 3. C - Utility Agreement No. 2934.1L, 4. FE 2934.1L UA Amendment #1

Date	Ver.	Action By	Action	Result
11/12/2024	1	Board of Supervisors	Approved	Pass

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DISCUSSION / BACKGROUND

The two-phase Diamond Springs Parkway Project (Project) was approved as part of the Master Circulation and Financing Plan in December 1998 and will provide improved traffic circulation and safety improvements through and around the historic town of Diamond Springs. Phase 1A was completed in 2022 and Phase 1B will begin construction in early 2025.

On February 4, 2014 (Legistar file 13-0981), the Board adopted Resolution 008-2014 creating an Underground Utility District for all parcels within the Project limits. This requires all new construction installing and/or relocating utilities to be located as underground facilities.

Phase 1A of the Project relocated the existing overhead electric lines along State Route 49 under Electric Rule 20A utilizing accumulated work credits at no cost to the County.

Since Phase 1B constructs a new roadway and does not meet the qualifying criteria for Rule 20A, this phase will convert the remaining overhead electric facilities to underground facilities under Electric Rule 20B. Under Rule 20B, the electric conversion work will be funded by a combination of Pacific Gas and Electric Company (PG&E) general ratepayer credits and Project funding. The PG&E ratepayer-funded credits are calculated as (1) the estimated cost of a new equivalent overhead system, plus (2) the cost to remove the existing overhead system. Utility Agreement No. 2934.1L (Agreement) outlines the scope of work and costs associated with this Project.

On April 23, 2024 (Legistar file 23-2048), the Board approved the Agreement. Following approval, PG&E requested additional minor revisions to the Agreement, which was subsequently approved on May 14, 2024 (Legistar file 24-0854). At this time, the Board also delegated signature authority to the Director of Transportation to allow for any minor modifications necessary, including up to 125% of actual costs, throughout the term of the Agreement.

At the time the Agreement was approved, through discussions with PG&E, staff was notified that PG&E would still need to perform a thorough review of the construction cost estimate for the utility work and it was anticipated that any necessary changes to the Agreement amount would be addressed in a future amendment. PG&E's subsequent review and cost estimate update also includes consideration of recent construction cost data reflecting current material prices. Since the First Amendment to Utility Agreement 2924.1L (Amendment) involves a cost increase exceeding 125% of the Agreement amount, Transportation has returned to the Board for approval. Following approval of this item, in accordance with previous Board action (Legistar file 24-0854), the Director of Transportation would continue to maintain delegated authority to further amend the Agreement for minor modifications including up to 125% of actual costs.

ALTERNATIVES

The Board could choose not to authorize the Director to sign the Amendment, however this would delay delivery of the Project and jeopardize over \$6 million in State funding grants.

PRIOR BOARD ACTION

- 1) September 14, 2004 (Item 81): Project adopted as part of the Fiscal Year 2003/04 Interim CIP as project 72334, under former CIP Project name "Missouri Flat Road / Pleasant Valley Road Connector."
- 2) February 11, 2008 (Legistar file 08-0038): Project adopted as part of the 2008 CIP, under the current CIP Project name.
- 3) April 29, 2008 (Legistar file 08-0628): Approved Alternative #4 as the preferred alignment of the Project.
- 4) May 24, 2011 (Legistar file 11-0448): Certified Final Environmental Impact Report adopted for the Project.
- 5) December 18, 2012 (Legistar file 12-1540): Approved to support economic development and create special revenue fund and direct Transportation to immediately proceed with completion of

design and right-of-way.

6) June 10, 2014 (Legistar file 14-0725): Approved commencement of acquisition process for the Project.

7) May 3, 2016 (Legistar file 16-0370): Certified Supplement to the 2011 Environmental Impact Report adopted for the Project.

8) March 5, 2019 (Legistar file 19-0049): Awarded Contract 2720 to Granite Construction Company for construction of Phase 1A of the Project.

9) July 23, 2019 (Legistar file 19-1009): Approved Task Order 461-S1711-01 with Bender Rosenthal, Inc. to complete right-of-way services, including valuations/appraisals, acquisitions, and relocation services for Phase 1B of the Project.

10) February 9, 2021 (Legistar file 21-0178): Diamond Springs Parkway Phase 1B Presentation.

11) April 19, 2022 (Legistar file 22-0440) - Approved Cooperative Agreement 03-0782 with Caltrans, defining the roles, responsibilities, and funding contributions of each agency related to the Plans, and Specifications, and Estimate, Right of Way, and Construction phases of the Project.

12) September 26, 2023 (Legistar file 23-1379) - Approved Tribe Fund loan to finance additional funding needed to complete the Project.

13) April 23, 2024 (Legistar file 23-2048) - Approved PG&E Utility Agreement No. 2934.1L.

14) May 14, 2024 (Legistar file 24-0854) - Approved PG&E Utility Agreement No. 2934.1L with revisions.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Coordination with PG&E and County Counsel has reviewed and approved the Amendment.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

Currently, \$600,000 is budgeted for utility relocation funding for the Project in Transportation's 2024 Capital Improvement Program (CIP), which was approved by the Board on June 18, 2024 (Legistar file 24-0838). To account for the funding shortfall as a result of this Amendment, a total of \$343,229 will be reallocated from the construction engineering/administration budget to the utility relocation budget. This action will be addressed in a budget transfer request as part of a future Board meeting for an addendum to the 2024 CIP. Therefore, with implementation of the future budget transfer no fiscal impact or change to net County cost would result from this item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

TRANSPORTATION FOLLOW UP ACTIONS

- 1) Transportation will obtain the Director's signature on the Amendment.
- 2) Transportation will send the original of the partially executed Amendment to PG&E for signature.
- 3) Upon receipt from PG&E, Transportation will provide a copy of the fully executed Amendment to the Clerk of the Board for its files.

STRATEGIC PLAN COMPONENT

Priority: N/A

Action Item: N/A

CONTACT

Rafael Martinez, Director
Department of Transportation