



Board Agenda Item 46.1

DATE: September 9, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Amendment II to Agreement No. 13-767-1 and Settlement Agreement with California High Speed Rail Authority

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute Amendment II to Cooperative Agreement No. 13-767-1 between Fresno County and the California High Speed Rail Authority (HSRA) amending the scope, schedule, cost, and coordination of work pertaining to specific County roads used by HSRA.**
2. **Approve and authorize the Chairman to execute a Settlement Agreement between Fresno County and the HSRA pertaining to the road impacts and facility work for Construction Package 1 and Construction Package 2-3 for the California High Speed Rail Project (\$3,700,000).**

Approval of the first recommended action would amend the existing agreement with HSRA to acknowledge HSRA and HSRA's contractors liability to the County for damage to County roads. Approval of the second recommendation action will execute an agreement with HSRA to pay to the County a sum of \$3,700,000 to remediate and repair damages to County roads and would release County claims for potential future sums related to this work. It would not apply to other assistance offered to HSRA during the course of their project, including permitting, engineering analysis, construction oversight, or damages beyond the scope of the approved work. This item pertains to locations in Districts 1, 3, and 4.

ALTERNATIVE ACTION(S):

If the Board determines that the proposed Amendment and Settlement Agreement should not be approved, reimbursement for costs incurred as a result of the construction of HSRA's Project within the County's jurisdiction will not be received. The County would need to pursue reimbursement for damage to County roads on an ad hoc basis from the HSRA, which would result in substantial delays to repairs and possibly no reimbursement from HSRA.

FISCAL IMPACT:

There is no increase in Net County Cost associated with this item. The revenues from the Settlement Agreement will be included in the Department's Road Org 4510 FY 2025-26 Recommended Budget.

DISCUSSION:

On December 10, 2013, the Board approved Cooperative Agreement No. 13-767, and Reimbursement Agreement No. 13-766 with HSRA. The Cooperative Agreement establishes the general procedures governing interaction between the parties pertaining to the anticipated impacts of the project on County road

facilities. The Cooperative Agreement includes provisions describing the task order process and provides for the allocation and delegation of responsibility for making reimbursement payments relating to repairs to County roads relating to HSRA work. The Board approved Amendment I on June 23, 2020 to modify provisions of the Agreement relating to damages for delay in the re-opening of closed and the mitigation of damages to County roads caused by transport of materials to the project jobsites by the Authority's contractor and to allow for the discretionary approval of a request for concurrent road closures by the Director of Public Works and Planning.

The HSR project is divided into segments, or Construction Packages (CPs), two of which impact County road facilities. These are CP 1 and CP 2-3, designed and constructed by Joint Ventures Tutor Perini/Zachry/Parsons and Dragados/Flatiron. The Department has worked with the HSRA to develop the proposed Amendment II to ensure the facilities built by the HSRA contractor will be safe and durable, that the County does not incur any excess costs due to the project, and that inconvenience to the public is minimized.

Your Board's approval of the proposed Amendment II to the Cooperative Agreement and the associated Settlement Agreement will clarify the responsibilities of the HSRA and its design-build contractor regarding each of the following:

- Provisions ensuring that HSRA will undertake, or cause their contractor to undertake, work specified in their task orders or in the County's permits to protect County facilities.
- The amended language will define more explicitly the responsibilities of HSRA and its contractor to ensure the appropriate mitigation of damage to County roads resulting from its contractor's work and use of County roads during the construction of the Project.
- Amendment II would acknowledge road maintenance impacts and attempt to mitigate impacts before construction has concluded, allowing the County to take initiative and repair the roads before they deteriorate to a point where they would need to be fully reconstructed rather than waiting for HSRA's contractors to begin repair after work has concluded. Accordingly, it provides for payment by HSRA to the County, in the total cumulative amount of \$3,700,000, in consideration for potential damages to County roads.
- The cumulative amount of the Settlement Agreement would be the total amount of payment from HSRA to the County-with no additional payments for County road facility remediation forthcoming. In exchange, the County would release HSRA and its contractors from remediation and/or repair to the haul and detour routes.

Road closures and delayed construction have resulted in tangible financial detriment, as the lost use of public access to the road and extended use of detours results directly in lost time and additional transportation costs for County residents. Use of other roads to detour traffic for the duration of the road closure also results in deterioration to those roads constituting the detour route, similar in terms of causation to the cost of pavement degradation attributable to the use of County roads in transporting construction materials for the HSR project. Funds received will be deposited into the Road Fund as reimbursement for maintenance related costs.

REFERENCE MATERIAL:

BAI #48, June 23, 2020
BAI #6, August, 20,2019
BAI #48, January 8, 2019
BAI #51, March 15, 2016
BAI #34, December 8, 2015
BAI #59, September 22, 2015
BAI #10, March 1, 2015
BAI #52, December 10, 2013
BAI #35, August 28, 2013

BAI #11, October 11, 2011
BAI #6, September 20, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
On file with Clerk - Amendment II to Agreement 13-767-1
On file with Clerk - Settlement Agreement with HSR

CAO ANALYST:

Maria Valencia