



# Board Agenda Item 9

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DATE: June 22, 2021

TO: Board of Supervisors

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

SUBJECT: Fresno County Road Improvement Program, Senate Bill 1 Project List, and Anticipated Force Account Projects

RECOMMENDED ACTION(S):

- 1. Consider and approve the 2021-25 Fresno County Road Improvement Program;**
- 2. Approve and authorize Chairman to adopt a Resolution establishing a list of road and bridge projects to be performed with Department of Public Works and Planning's Road Maintenance and Rehabilitation Account funds for FY 2021-22; and**
- 3. Declare the FY 2021-22 Anticipated Day Labor Overlay Road Segment projects identified on Exhibit C are intended to be performed by force account in accordance with California Contract Code, section 22031(g).**

Approval of the first recommended action will adopt the Road Improvement Program (RIP) as recommended by Department of Public Works and Planning staff. The RIP continues the Board's policy to prioritize maintenance and preservation of the County's existing road system, as required by General Plan Implementation Program TR-A.A. Approval of the second recommended action will authorize the projects to be performed with the Department of Public Works and Planning's (Department) Road Maintenance and Rehabilitation Account (RMRA) funding for FY 2021-22. The initial Project List must be submitted by July 1, 2021, but your Board may add, delete or revise the list at any time and as often as necessary. Approval of the third recommended action will allow the Department to comply with California Public Contract Code (PCC), section 22031(g), which limits the amount of new construction and reconstruction that can be completed by County forces and requires that projects intended to be performed by force account be declared by the Board of Supervisors or the County Road Commissioner each fiscal year. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board rejects the first recommended action, Department staff would require direction from your Board on what modifications should be made to the RIP, thereafter staff would make modifications as directed and return to your Board at a later date for consideration and approval.

If the second recommended action is not approved, the County Road Fund 0010 would not receive an estimated \$20,658,234 from the RMRA for FY 2021-22. Your Board may approve the recommended action in its original form or in modified form and direct the Department to return at a later date to modify the Project List. As long as the initial list is adopted by your Board and submitted to the California Transportation Commission (CTC) by July 1, 2021, your Board may direct the Department to return at any time and as often as necessary to modify the Project List by adding, deleting, or revising projects.

If the third recommended action is not approved, county forces will be unable to perform some of the anticipated maintenance and reconstruction projects identified in Exhibit C by force account. Your Board may approve the recommended action in its original form or in modified form and direct the Department to return at a later date to modify Exhibit C. This will require Department staff to bid out additional maintenance and construction projects, causing delays in delivery of service and resulting in additional project costs.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The RIP is a programming guide for planning and informational purposes, and represents the implementation of Board policy concerning road expenditures. Future expenditures will be set annually through the budget process, and the Department will base actions and future budgetary recommendations on the RIP as adopted by your Board.

The Road Repair and Accountability Act of 2017 (Senate Bill 1 or SB1) (Beall, Chapter 5, Statutes of 2017) requires a \$212,959 annual maintenance of effort contribution from the General Fund, and will be included in the Department of Public Works and Planning - Roads Org 4510 FY 2021-22 Budget Request.

Road Fund revenues are made up of various sources, including:

- Highway Users Tax Account (HUTA)
- SB 1 - Road Maintenance and Rehabilitation Account (RMRA)
- \$Project-specific reimbursements through federally funded programs
- Measure C allocations
- Local Transportation Fund (LTF) allocations
- Reimbursement from other divisions, departments, agencies, and the public

Detailed revenue, expenditure, and balance projections are shown in the RIP. The Department plans to return to your Board in FY 2023-24 with an updated RIP, and will return annually with project lists for SB-1 and Day Labor.

For the second recommended action, revenues received from the RMRA will be deposited in Road Fund 0010, and will be utilized for design, right-of-way purchase, construction, and construction inspection of the identified road and bridge projects.

For the third recommended action, funds for anticipated day labor overlay road segment projects by county forces will be included in the Public Works and Planning Roads Org 4510 FY 2021-22 Budget Request.

DISCUSSION:

Overview

The County's road system is an integral network that connects to the State highway system and supports the movement of goods produced in the valley, which sustains the local economy and facilitates personal mobility. Some communities are remote with no other connection to the State highway system other than the County roads. Managing the use of road funds by effective preventative maintenance strategies ensures that funds are utilized in a manner which will provide the greatest benefit to the public, as well as minimize reductions in levels of service and reduce liability. Roads allowed to deteriorate beyond recovery will either require much more costly reconstruction, or risk reversion to dirt or gravel. A managed system to prevent such deterioration requires a reliable and stable funding stream. The revenues provided by SB 1 increase the funding available for maintenance of the County's network of roads and bridges, and it is anticipated that some of that revenue will continue to be used in future years to offset matching funds required to construct the bridge replacement projects listed in the RIP. Still, it is anticipated that the revenues available for

pavement maintenance will not be sufficient to offset the expected gradual decline in the overall condition of the County's paved roads.

The County maintains approximately 3,488 miles of road, which is the largest County road system in the State. The County road network includes 570 bridges in various conditions.

### Funding

Funding for the road and bridge program is comprised of several Federal, State and local sources. The majority of County road funds are derived from State sources and include fuel Excise Taxes and the LTF. Excise taxes do not vary directly based on the price of fuel, but there are programmed increases in the excise taxes.

The State imposes per-gallon excise taxes on gasoline and diesel fuel, sales taxes on diesel fuel, and registration taxes on motor vehicles, dedicating these revenues to transportation purposes. Portions of the revenues are distributed to cities and counties through the HUTA and RMRA, which was created by SB 1. The Local Streets and Roads Funding Program, administered by the CTC in partnership with the State Controller, is supported by RMRA funding which includes portions of revenues pursuant to Streets and Highways Code, section 2031.

The County's share of Excise Tax is calculated using a formula which considers the number of registered vehicles and the number of maintained miles of roadway. The formula assigns greater significance to the number of registered vehicles by assigning weighting factors of 75% and 25%, to the number of registered vehicles and to the number of maintained miles, respectively. The Excise Gas Tax is distributed on a monthly basis, based on projected gasoline sales. Because the Excise Gas Tax is paid in advance, the actual amount distributed may be greater than or less than the actual collection. If the actual sale of gasoline is greater than the original estimate, the State will distribute any owed additional Excise Gas Tax collected in the following year. If the Excise Gas Tax comes in below the original estimate, the following year, the State will reduce the amount of overpaid Excise Gas Tax from that year's estimate.

SB 1 emphasizes the importance of accountability and transparency in the delivery of California's transportation programs. Therefore, in order to be eligible for RMRA funding, statute requires cities and counties to provide basic RMRA project reporting to the California Transportation Commission.

The LTF is derived from a portion of the State general sales tax dedicated to transportation purposes by the Transportation Development Act. The primary purpose of the LTF program is to fund transit services throughout the State, but a portion of the LTF may also be utilized for non-transit needs such as road system maintenance.

Revenue from local funds includes the Measure C Extension. In November 2006, voters approved the extension of the ½-cent Measure C Sales Tax. The extension includes pass-through revenues distributed to various local agencies via a formula for maintenance and flexible spending. The Measure also includes funding for non-motorized trail facilities, bike lanes, and Americans with Disabilities (ADA) compliance projects within the urban and rural areas of the County.

The Fixing America's Surface Transportation (FAST) Act was signed into law on December 4, 2015. The FAST Act authorized \$305 billion for fiscal years 2016 through 2020 for surface transportation infrastructure planning and investment, and was the first Federal law in over a decade to provide long-term funding for surface transportation. The FAST Act maintains a focus on safety, keeps intact the established structure of previous highway-related programs, and continues efforts to streamline project delivery.

### Road Improvement Plan

The RIP is a multi-year maintenance and construction programming plan. It reflects the County's efforts to

protect and improve the public investment in the County's road system, and to provide for the safe and efficient movement of people and commodities. The RIP identifies maintenance funding levels and projects expected to be delivered within a defined timeframe. The funding in the RIP reflects current and projected budgets, but does not reflect potential project specific revenues, which have not been programmed.

#### Bridge Replacement/Repair

The need for bridge replacements is based on their individual structural deficiency ratings as identified in the bi-annual Caltrans Bridge Inspection report. Prioritization of bridge retrofit or replacement projects first considers safety, and takes into account the impact to the public if a bridge were to require weight limit posting or closure.

The proposed bridge program, as shown in the RIP, lists numerous bridges for which Federal funding for replacement has been requested and programmed into the Federal Transportation Improvement Program. The Department currently has over 30 bridge replacement and scour repair bridge projects in various phases of design and pre-construction. In total, current projected revenues from FY 2020-21 through FY 2024-25 associated with bridge projects amount to approximately \$45 million.

#### Pavement Repair

Effective maintenance and operation of the County's road system is partially achieved through the utilization of our comprehensive Pavement Management System (PMS) and the Street Management Plan. The PMS identifies maintenance strategies to preserve mobility and prevent deterioration for the various types, conditions, and uses of each road. The Department, considering the PMS in conjunction with projected funding for maintenance, continually evaluates current and projected roadway conditions and traffic data in order to allocate available funds to best serve mobility and preservation needs.

Currently the County has approximately \$28 million dollars planned for road overlays through FY 2024-25. Even considering these substantial overlay expenditures over the period covered by the RIP, it is anticipated that the overall pavement condition of the County road system will continue to decline. Exhibit A of the SB-1 List lists FY 2021-22 asphalt-concrete overlay and preventative maintenance project locations.

#### Road Reconstruction Projects

Reconstruction to bring roads to current design standards alleviates deficiencies and improves air quality by reducing the generation of particulate matter. Major roads are evaluated to ascertain the need for reconstruction or widening in order to improve safety and mobility for the most heavily traveled routes. Recommendations for, and prioritization of, future road projects for full reconstruction are based on a wide variety of factors. These factors include the condition of the roads, the amount of traffic carried, the ability of the road configuration to carry that traffic while maintaining an appropriate level of service, and the potential availability of Federal, State, or local funding to accomplish reconstruction. These factors are considered in conjunction with the anticipated overall cost of the prospective projects and projects are selected that will make the most effective use of limited funds.

#### Traffic Signals

The need for new traffic signals is based on traffic counts, accident history, and analysis to determine if the traffic meets accepted signal warrants. The installation or improvement of signals is generally performed pursuant to various Federal funding programs, such as the Active Transportation Program and the Highway Safety Improvement Program.

#### Congestion Mitigation and Air Quality Projects

The Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds projects that reduce fine

particle pollution and provide congestion relief. This may be accomplished by the installation of traffic signals which reduces air pollution emitted by vehicles idling while waiting to progress through an intersection. CMAQ projects may also include shoulder improvement projects, which add paved shoulders or increase the width of existing paved shoulders to reduce the amount of particulate matter introduced by vehicles traveling at highway speeds close to unpaved dirt shoulders. The addition of paved shoulders also enhances safety.

#### RMRA Project List

The RMRA funds are proposed to be spent on several projects, which will be funded exclusively by RMRA, and to provide matching funds for federally-funded projects. In order to ensure that the projects can utilize all of the available funding, the estimated cost to construct all of the projects on the list exceeds the available RMRA funding. Certain overlay locations will be included in the contract(s) as additive alternate bids, which can either be awarded with or omitted from the construction contract(s) depending upon the bids received and available funding.

The project list does not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with RMRA priorities as outlined in SHC, Section 2030(b) [SHC, Section 2034(a)(1)]. Consequently, the list does not necessarily reflect all of the projects that will ultimately utilize RMRA funding.

#### The Road Improvement Plan Summary

The RIP is a document that is intended to be a guide to your Board's road priorities and the Department's road program development, as well as for the Administrative Office, businesses, economic development community, utility companies, and the public at large. It should be viewed as a living document that will be adjusted over time to match revenues to system demands, and to allow your Board to respond to unforeseen needs or revenues.

#### Senate Bill (SB) 1 / RMRA Project List

On April 14, 2020, a list of projects to be performed using RMRA funding in FY 2020-19 was adopted by your Board. Projects included on that list that have not yet been completed are considered "carryover projects" and are attached as Exhibit B and referenced in the proposed resolution. If funding is not adequate to cover all projects in FY 2021-22, or if completion is still pending at the end of the fiscal year, they will be carried over as projects to be constructed using RMRA funding in FY 2022-23 and future allocations, as necessary.

As shown on Exhibits A and B, not all of the listed projects will be constructed during FY 2021-22. In some cases, the funding is used only to cover the local match for Federally funded projects, or only certain phases of the projects. Some projects may not ultimately be constructed and they may be deferred or deleted from the list at a later date.

While it is critical that a Project List be adopted by your Board and submitted to the CTC by July 1, 2021 to secure RMRA funding for FY 2021-22, your Board may direct the Department to return at any time and as often as necessary to modify the list by adding, deleting, or revising projects. RMRA revenues were estimated based on the California State Association of Counties projections published in May 2021.

#### Force Account Day Labor Project List

Public Contract Code (PCC), section 22031(g) was amended in September 2014 with the passage of Assembly Bill 2752 (Chapter 345, Statutes of 2014). The section limits the amount of new construction and reconstruction that can be done by county forces to 30% of the total value of all work performed by force account other than maintenance as reported in the Controller's Streets and Roads Annual report as of March 1 of each year prior to the subsequent fiscal year.

For the County, the force account limit is \$6,169,249 for FY 2021-22. To perform the identified work with County forces, the Board of Supervisors or County Road Commissioner must declare its intention to use the provisions of Section 20395(c), which authorizes the Road Commissioner to perform day labor work on specific projects. Such declaration can be made on a project-by-project basis, via a list of anticipated projects for the fiscal year, or via a list that may be included in the county's annual budget.

Department staff has identified several road segments that are planned for rehabilitation (day labor overlays greater than one inch) by force account in FY 2021-22, which are listed on Exhibit C. These anticipated maintenance and reconstruction projects have been selected to be performed by force account because it would be more cost effective than contracting the projects out due to the nature of the required work, which consists primarily of short segments and/or narrow, low volume roads.

With your Board's approval of the third recommended action, a list of anticipated projects for the FY 2021-22 Anticipated Day Labor Overlay Road Segment projects, intended to be performed by force account in accordance with PCC, section 22031(g), will be declared. Department staff will monitor qualifying expenditures throughout the fiscal year to ensure that the limit is not exceeded and make any necessary project adjustments due to cost or changing priorities. Any projects that can be performed but are not listed on Exhibit C will be declared on a project-by-project basis. Any projects not completed during FY 2021-22 will be deferred to a subsequent year.

OTHER REVIEWING AGENCIES:

The resolution will be submitted to the CTC by July 1, 2021.

REFERENCE MATERIAL:

BAI #36, April 14, 2020  
BAI #11, September 10, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Road Improvement Program  
On file with Clerk - SB-1 Resolution with Exhibits A and B  
Exhibit A - RMRA SB-1 New Project List FY 2021-22  
Exhibit B - RMRA SB-1 Carried Over Project List  
Exhibit C - Anticipated Day Labor Overlay Road Segment Projects FY 2021-22

CAO ANALYST:

Ron Alexander