



## Item No. 12 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**THROUGH: ROBERT OVADIA, PUBLIC WORKS DIRECTOR**

**FROM: DAVID HUYNH, PW MAINTENANCE MANAGER**

**DATE: JUNE 16, 2021**

**SUBJECT: ADOPT A RESOLUTION APPROVING A PROJECT LIST FOR  
THE ROAD MAINTENANCE AND REHABILITATION ACT OF  
2017 (SB1)**

#### **RECOMMENDATION**

Adopt a Resolution approving a project list for the Road Maintenance and Rehabilitation Act of 2017 (SB1).

#### **BACKGROUND**

Senate Bill 1 (SB1), the Road Maintenance and Rehabilitation Act of 2017 (RMRA) is a landmark transportation investment to rebuild California by fixing neighborhood streets, freeways and bridges in communities across California and targeting funds toward transit and congested trade and commute corridor improvements. SB1 invests \$5.4 billion annually over a decade to fix California's transportation system. It addresses a backlog of repairs and upgrades, while ensuring a cleaner and more sustainable travel network for the future. SB1 sets aside approximately \$200 million annually in funds available for road maintenance and rehabilitation through the RMRA program for cities and counties. Allocation of these funds are determined by a specified formula on a per capita basis. SB1 provides various funds to the RMRA as follows:

- A revenue attributed to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax effective November 1, 2017;
- 50% of a \$0.20 per gallon increase in the diesel excise tax effective November 1, 2017;
- A portion of a new Vehicle License Fee that varies fee between \$25 and \$175 based on the vehicle value effective January 1, 2018; and
- A new \$100 annual vehicle registration fee applicable to zero-emission vehicles model year 2020 and later effective July 1, 2020.

The Road Repair and Accountability Act of 2017 (SB1 Beall) also adopted annual inflationary adjustments to all per-gallon motor vehicle fuel excise taxes including the rates allocated through the Highway Users Tax Account (HUTA).

The passage of the Road Maintenance and Rehabilitation Act of 2017 (SB 1) in April 2017 created new permanent funding sources for road maintenance and rehabilitation projects for cities and counties. SB 1 includes accountability and transparency provisions to ensure the residents of our Town are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year.

Each year, cities and counties *must adopt via resolution* a project list comprised of projects on which they intend to expend SB 1 funds. These project lists must be submitted to the California Transportation Commission (CTC) by July 1, 2021, in order to be eligible for SB 1 distributions beginning funding for the fiscal year. The project list must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvements.

### **ANALYSIS**

Staff utilizes the Pavement Management Report produced by the Metropolitan Transportation Commission to prioritize road maintenance projects. The Town receives a Pavement Management Report listing the Pavement Condition Index for Town streets and recommendation on the type and timing of pavement rehabilitations. Staff recommends a strategy that allocates the majority of the SB1 funds to remove and replace poor pavement, place asphalt overlays and place various rehabilitation treatments on select streets.

Attachment A details the RMRA Resolution which includes the project list for fiscal year 2021-22. Upon adoption of the resolution approving the project list for fiscal year 2021-22, staff is required to submit the list to the CTC with the accompanying resolution.

### **POLICY FOCUS**

There are no significant policy issues related to the adoption of a Resolution approving a project list for the Road Maintenance and Rehabilitation Act of 2017 (SB1).

### **FISCAL IMPACT**

There is no fiscal impact related to the adoption of a Resolution approving a project list for the Road Maintenance and Rehabilitation Act of 2017 (SB1). The Town spends, on average, \$800,000 per year on Road Maintenance Projects using funds from Measure A, Measure M, remaining Special Parcel Tax funds and Gas Tax. SB1 is only one funding component of the Town's Road Maintenance Program.

However, the Road Repair and Accountability Act requires that local agencies maintain and report a local maintenance of effort (MOE). The MOE requirement is to ensure that the new road funds do not supplant existing levels of city general revenue spending on

streets and roads. Cities must maintain General Fund spending at no less than the average of 2009-10, 2010-11, and 2011-12 years. Audits are performed to ensure the requirements are met. Failure to maintain the MOE results in the withholding of SB1 contributions and/or the return of funds allocated. The Town's MOE is estimated at \$1.06 million.

As funding allocations for street maintenance has been declining due to the loss of the Special Parcel Tax, it has become difficult for the Town to sustain a \$1.06 million MOE. As mentioned in the past, the Town may be faced with a loss of external supplemental funding unless the Town increases the amount of direct General Fund contributions to road repair. Staff is examining this concern further and recently received notification from the State regarding this funding requirement. A proposal will be brought forward to consider supplementing the Town's General Fund allocation in order to maintain external funding amounts.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

### **ATTACHMENTS**

Attachment A: Draft RMRA Resolution

**RESOLUTION NO. 21-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
ADOPTING THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB1)  
PROJECT LIST AND AMENDING GAS TAX APPROPRIATIONS FOR FISCAL YEAR  
2021-2022**

**WHEREAS**, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

**WHEREAS**, SB 1 includes accountability and transparency provisions that will ensure the residents of our Town are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

**WHEREAS**, the Town of Atherton must adopt by resolution a list of all projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the Town budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

**WHEREAS**, this is the fourth year in which the Town will be receiving SB 1 funding and will enable the Town to continue essential road maintenance and rehabilitation projects; and

**WHEREAS**, the Town, will receive an estimated \$138,000 in RMRA funding in Fiscal Year 2021/22 from SB 1; and

**WHEREAS**, the adoption of the Town's RMRA project list is not a "project" as defined by Public Resources Code section 21065 because it is not an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, thus no environmental review is required under the California Environmental Quality Act, Public Resources Code section 21000, et seq.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the Town of Atherton hereby find the foregoing recitals are true and correct and hereby adopts the attached SB1 project list for Fiscal Year 2021-22, incorporated as though fully set forth herein, to be funded in-part or solely with fiscal year 2021-22 Road Maintenance and Rehabilitation Account revenues.

**PASSED AND ADOPTED** at a meeting of the City of Council of the Town of Atherton held on the 16<sup>th</sup> day of June, by the following vote:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Elizabeth Lewis, MAYOR

ATTEST:

\_\_\_\_\_  
Anthony Suber, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Mona G. Ebrahimi, City Attorney

**Attachment: FY 2021-22 SB-1 Project List**

**FY 2021-22 SB-1 Project List**

- Project Description:** The project is to grind two-inch of existing asphalt and overlay with new asphalt, and/or cape seal/micro-surface seal various streets in the Town of Atherton. Specific locations, listed below, have been identified through an engineering survey conducted by independent assessors of pavement conditions. The overlay and cape seal/micro-surface seal maintenance strategies for each location are based on the assessed pavement conditions.
- Project Locations:** The project will be for various roadways which are listed below:
- Overlay:** Watkins Avenue – Between Middlefield Road and Caltrain Right of Way
- Micro-Surface Seal:** N/A
- Scheduled Completion:** Project construction is planned to be completed by October 31, 2021, for Fiscal Year 2021-22.
- Estimated Useful Life:** 5 years for Micro-Surface Seal and 10 years for Overlay