



# City of Rialto

## Legislation Text

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For City Council Meeting [April 23, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Interim City Administrator

FROM: Robert G. Eisenbeisz, P.E., Public Works Director/City Engineer

Request City Council to Adopt **Resolution No. 7499**, Adopting a List of Projects for Fiscal Year 2019/2020 Funded by the Road Repair and Accountability Act of 2017.

### **BACKGROUND:**

On April 28, 2017, the Governor signed Senate Bill 1 (SB-1), also known as the Road Repair and Accountability Act of 2017. This legislation addresses basic road maintenance, rehabilitation and critical safety needs on state highways and on local streets and roads. The California State Association of Counties provided a very succinct summary of the SB-1 provision included as **Attachment 1**. Some of the key provisions of SB-1 include:

- Increases per gallon fuel excise taxes (12 cents per gallon increase effective November 1, 2017)
- Increases diesel fuel sales taxes (20 cents per gallon increase effective November 1, 2017)
- Provides for inflationary adjustments to tax rates in future years.

The estimated annual funding supported by SB-1 is \$5.2 billion, including \$1.5 billion apportioned to local cities and \$1.5 billion to counties for local streets and road repairs. As of November 1, 2017, the State Controller (Controller) began depositing various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding was apportioned by formula to eligible cities and counties pursuant to Streets and Highways Code (SHC) Section 2032(h) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

Pursuant to Streets and Highways Code (SHC) Section 2032.5(a), the objective of the Local Streets and Roads Program is to address deferred maintenance on the local streets and roads through the prioritization and delivery of basic road maintenance and rehabilitation projects as well as critical safety projects. Cities and counties receiving RMRA funds must comply with all relevant federal and state laws, regulations, policies, and procedures. The main requirements of the program are codified in SHC Sections 2034, 2036, 2037, and 2038 and include the following:

- Prior to receiving an apportionment of RMRA funds from the Controller in a fiscal year, a city must submit to the California Transportation Commission (CTC) a list of projects proposed to be funded with these funds.

- The list of projects 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 [SHC 2034(a)(1)]. The project list does not limit the flexibility to fund projects in accordance with local needs and priorities so long as the projects are consistent with RMRA requirements as outlined in SHC 2030(b) [SHC 2034(a)(1)].
- The CTC will report to the Controller the cities that have submitted a list of projects as described in SHC 2034(a)(1) and that are therefore eligible to receive an apportionment of RMRA funds for the applicable fiscal year [SHC 2034(a)(2)].
- The Controller, upon receipt of the report from the Commission, shall apportion RMRA funds to eligible cities pursuant to SHC 2032(h) [SHC 2034(a)(2)].
- For each fiscal year in which RMRA funds are received and expended, cities must submit documentation to the CTC that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement [SHC 2034(b)].
- A city receiving an apportionment of RMRA funds is required to sustain a maintenance of effort (MOE) by spending at least the annual average amount of its general fund expenditures during the 2009/2010, 2010/2011, and 2011/2012 fiscal years for street, road, and highway purposes from the city's general fund [SHC 2036].
- A city may spend its apportionment of RMRA funds on transportation priorities other than priorities outlined in SHC 2030(b) if the city's average Pavement Condition Index (PCI) meets or exceeds 80 [SHC 2037].
- By July 1, 2023, cities receiving RMRA funds must follow guidelines developed by the California Workforce Development Board (Board) that address participation and investment in, or partnership with, new or existing pre-apprenticeship training programs [SHC 2038].

On September 12, 2017, City Council adopted the 2017/2018 Road Maintenance and Rehabilitation Account Project List. The staff report is included as **Attachment 2**.

On April 10, 2018, City Council adopted the 2018/2019 Road Maintenance and Rehabilitation Account Project List. The staff report is included as **Attachment 3**.

#### **ANALYSIS/DISCUSSION:**

Pursuant to SHC Section 2030(a), RMRA funds made available for the Local Streets and Roads Funding Program shall be prioritized for expenditure on basic road maintenance and rehabilitation projects, and on critical safety projects. SHC Section 2030(b-f) provides a number of example projects and uses for RMRA funding that include but are not limited to the following:

- Road Maintenance and Rehabilitation
- Safety Projects
- Railroad Grade Separations
- Complete Streets Components (including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and storm water capture projects in

conjunction with any other allowable project)

- Traffic Control Devices
- Funds made available by the program may also be used to satisfy a match requirement in order to obtain state or federal funds for authorized projects.
- Specifies additional project elements that will be incorporated into RMRA-funded projects by cities to the extent possible and cost effective, and where feasible as deemed by cities. These elements are:
  - Technologies and material recycling techniques that lower greenhouse gas emissions and reduce the cost of maintaining local streets and roads through material choice and construction method.
  - Systems and components in transportation infrastructure that recognize and accommodate technologies including but not limited to ZEV fueling or charging and infrastructure-vehicle communications for transitional or fully autonomous vehicles.
  - Project features to better adapt the transportation asset to withstand the negative effects of climate change and promote resiliency to impacts such as fires, floods, and sea level rise (where appropriate given a project's scope and risk level for asset damage due to climate change).
  - Complete Streets Elements (such as project features that improve the quality of bicycle and pedestrian facilities and that improve safety for all users of transportation facilities) are expected to be incorporated into RMRA funded projects to the extent as deemed by cities beneficial, cost-effective, and practicable in the context of facility type, right-of-way, project scope, and quality of nearby facilities.

The CTC Guidelines for the implementation of the apportionment for the RMRA funding requires submittal of an approved project list submitted to the CTC no later than May 1, 2019.

The following is the list of eligible project locations recommended by staff for funding from the fiscal year 2019/2020 Road Maintenance and Rehabilitation Account revenues based upon the City's current 5-year plan, Council adopted priorities, and the pavement ratings contained in the City's existing Pavement Management System. Details for fiscal year 2019/2020 projects are included as **Exhibit A** to the attached Resolution.

FY 2019/20 SB-1 Project Locations (Added Projects)		
Street Name	From	To
Pepper Ave.	Etiwanda Ave.	Foothill Blvd.
Pepper Ave.	2nd St.	680' S/O 2nd St.
Riverside Ave.	UPRR Bridge	South City Limit

The list of previously proposed and adopted projects may also utilize fiscal year 2019/2020 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City reaffirms to the public and State the City's intent to fund these projects with Road Maintenance and Rehabilitation Account revenues. The

following is a list of previously proposed and adopted projects. Details of these projects are included as **Exhibit B** to the attached Resolution.

FY 2018/19 SB-1 Project Locations (Relisted Projects)		
Street Name	From	To
Lilac Ave.	Tahoe St.	Walnut Ave.
Linden Ave.	Riverside Ave.	155' S/O Candelwood Ave.
Linden Ave.	374' S/O Persimmon Ave.	Casmalia St.
Locust Ave.	Riverside Ave.	Casa Grande Dr.
Locust Ave.	Lowell St.	Casmalia St.
Pepper Ave.	Baseline Rd.	Etiwanda Ave.
Pepper Ave.	Foothill Blvd.	2nd St.
Summit Ave.	Maple Ave.	Apple Ave.
Willow Ave.	Walnut Ave.	Chaparral St.

**ENVIRONMENTAL IMPACT:**

The plan is exempt from California Environmental Quality Act (CEQA) review per Section 15268, Ministerial Projects. Section 15268 allows public agencies to make non-discretionary determinations as a part of implementing its regulations. However, the individual projects are subject to the CEQA process and will be reviewed and approved on an individual basis.

**GENERAL PLAN CONSISTENCY:**

Approval of this action complies with the City of Rialto General Plan Goals and related Policies:

- Goal 4-1: Provide transportation improvements to reduce traffic congestion associated with regional and local trip increases.**
- Goal 4-2: Protect residential neighborhoods from through traffic impacts.**
- Goal 4-3: Protect residences, sensitive land uses, and pedestrians from activities along rail corridors.**
- Goal 4-4: Protect school children and others from traffic hazards around schools.**
- Goal 4-5: Ensure the provision of adequate, convenient, and safe parking for all land uses.**
- Goal 4-6: Provide for all residents and businesses to have equal access to reliable and convenient public transit services.**
- Goal 4-7: Achieve optimum use of regional rail transit.**
- Goal 4-8: Establish and maintain a comprehensive system of pedestrian trails and bicycle routes that provide viable connections throughout the City.**
- Goal 4-9: Promote walking.**
- Goal 4-10: Provide a circulation system that supports Rialto's position as a logistics hub.**

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and Resolution.

**FINANCIAL IMPACT:**

**Operating Budget Impact**

Apportionment of RMRA funds requires Rialto to sustain a maintenance of effort (MOE) by spending at least the annual average amount of its general fund expenditures during the 2009/2010, 2010/2011, and 2011/2012 fiscal years for street, road, and highway purposes from the City's General Fund. The California State Controller initially established the preliminary MOE for Rialto at \$618,840. Upon final review of the certified Rialto General Fund expenditures for street purposes for the period of July 1, 2009 through June 30, 2012, the State Controller's Office (SCO) issued a final revised MOE amount for Rialto at \$368,490 as noted in a letter from SCO dated January 8, 2018, included as **Attachment 4**.

The average amount of \$368,490 is the annual General Fund expenditure amount Rialto must expend annually for street purposes in order to receive any RMRA- local streets and roads fund allocations. Staff will include at least this amount in the FY2019/2020 General Fund budget request during the annual budget process.

**Capital Improvement Budget Impact**

According to the California Local Government Finance Almanac, the City of Rialto's projected revenue from the RMRA in fiscal year 2019/2020 is \$1,771,704. Revenue and expenditure for the proposed \$1,800,000 will be budgeted in Gas Tax Account No. 203-400-7305-7524-200804-06 for estimated revenue and Gas Tax Account No. 203-500-7305-3001-200804-05 for \$1,800,000 for expenditures during the annual budget process for FY2019/2020. The RMRA funding will supplement the funding for the Fiscal Year 2019/2020 Street Overlay Project.

**Licensing**

The proposed action will not require business licensing.

**RECOMMENDATION:**

Staff recommends that the City Council Adopt the Resolution approving a list of projects for Fiscal Year 2019/2020 funded by SB-1 - The Road Repair and Accountability Act of 2017.