



Department of Transportation (MCDOT)

Director's Report – October 18, 2011

- **Second Access Public Meeting and Presentation to Brooktrails Board:** In 2010, the CTC approved State Transportation Improvement Program (STIP) in the amount \$459,000 to complete Preliminary Engineering/Environmental (PE) phase work for this project. Due to the complexity of the project, work is progressing in three phases: Phase 1 - Supplemental Feasibility Study, Phase 2 - Project Approval and Environmental Documentation, and Phase 3 - Final Design. Phase 1 - Supplemental Feasibility Study - was approved by the County Board of Supervisors on May 17, 2011 - with direction to staff to include Alternate A (access road to the south of Brooktrails, connecting with SR-20) and a north route along the former FirCo logging haul road.

On October 11, 2011, Bob Parker, Assistant Director of Transportation, and Craig Drake, Principal of Drake Haglan and Associates (Engineering Consultant), presented information collected so far for Phase I - Supplemental Feasibility Study. The meeting started with an informal "open house format" display at 5:00 PM followed by the Brooktrails Board Meeting at 7:00 PM. The meetings were well attended with 20 members of the public present at the open house with questions and answers and further discussion of the primary intent of the Brooktrails Second Access Project. Also present were other members of the project development team (PDT): County Planning and Building Services Principal Planner, Roger Mobley and Brooktrails Community Services District (CSD) General Manager, Mike Chapman. The Mendocino County Council of Governments (MCOG – the County's Regional Transportation Planning Agency - RTPA) Executive Director, Phil Dow was present who is also on the PDT.

After the "Second Access" item was concluded, the Brooktrails (CSD) Board of Directors requested a discussion with the Mendocino County Department of Transportation (MCDOT) about advancing an improvement project to widen the easterly four miles of Sherwood Road between Brooktrails and the City of Willits to "Major Collector Standards." The MCDOT Director, Howard N. Dashiell responded in agreement with the CSD Directors that such road improvement projects (widening to include bike lanes, gravel shoulders and even connected or disconnected pedestrian walkways) were very desirable and the CSD rightly had pointed out the traffic safety benefits. However, such a project might cost \$8 to \$12 million to construct and would compete with similar projects (like North State Street, Simpson Lane, Comptche Ukiah, Redemeyer Road, Ukiah Hwy 101 Interchanges, and Eastside Potter Valley Road). If in fact the "State Transportation Improvement Program (STIP)" was to be the funding source for Sherwood Road improvements this could limit funds to the abovementioned projects. The MCDOT Director reminded the CSD that the Willits Bypass already took a significant STIP allocation. Also, funding for the Second Access Project could seek between \$7 to \$30 million. Thus, Mendocino County, at an appropriation rate of about \$1 to \$2 million per year in STIP funds, would be waiting many years to accumulate all the project funds Brooktrails desires for both projects.

In response, CSD Director Orth stated that improvements were listed in County planning documents and therefore established precedence over other roads in the County where widening was desired. Furthermore, the 4 mile segment of Sherwood Road accessing Brooktrails has a very high average daily traffic (ADT) over 7,000 vehicles per day (vpd) which rivals or surpasses all other roads in the County. Public members also pointed out that Brooktrails was designated in

County planning documents as “housing stocks” yet without transportation improvements Brooktrails is reluctant to advance their water projects and subsequently building moratoriums are likely to continue.

In conclusion, the MCDOT Director opined that the Department's five year plan priorities list was updated and presented to the County Board of Supervisors each year during Budget Hearings and that a “Sherwood Road Improvement Project” using traffic impact fees, which the CSD plans to generate to leverage grant funds (beyond STIP), are independent from ongoing project funding proposed.

- **General History of County Maintained Road System:** Recently the Redwood Valley Indian Tribe Road Department Planner, Arron Oliver requested background on how County Roads came to be in the maintained system within the Covelo Reservation boundaries. The answer is varied and typical of the history of roads throughout the County.

Many Mendocino County Roads were accepted from rights for access offered by the Federal Government in the original plats and homestead patents. Typically, the county publicly confirmed this by action of the Board of Supervisors (BOS) that accepted and "formalized" roads as County Roads 1860's to 1910's. The Board was typically asked by land owners using various roads regularly to sponsor maintenance. Then the Board appointed "viewers" to go out and survey the road to see if it was in fact used and needed for general good of the traveling public. Next, the Board of Supervisors would vote to appropriate money for improvements, sometimes acquire additional needed easements, and then perform construction. Back then, County Supervisors were also County Road District Commissioners and actually oversaw road maintenance in their district and could provide equipment and money (from County property tax). Landowners were conscripted to work their roads of need as part of the deal.

After the 1920's, most of the federal land patents (homesteads) were finished. So from this point on, land owners either offered roads for County use on maps or if the public needed to use a road and obtained the right by use - easement **by Implied Grant or Reservation** - “strict necessity” (ref Civil Code 803). Some of these roads were not formerly accepted by the County but in accordance with the Homesteader's Patents they had to allow access to other owners pursuant to 1800's Mining and Public Codes that were in force at the time.

In 1947, the first Federal Gas Tax (Collier-Burns Act) was collected and in order to use gas tax the Board of Supervisors had to adopt a "LIST" of County Maintained Roads. This was the first time a list was developed and not all the roads made the County Road list. However, the California Streets and Highways Code was so amended in the years after 1947 that effectively County Road Funds were only spent on roads on the "County Maintained Road List" which is revised each year and voted on by the Board of Supervisors. Generally, few or no adjustments are made; sometimes a new subdivision road is added. The Streets and Highways Code gives MCDOT the right to maintain the accepted public roads on the list and the Vehicle Code applies regardless of the method the road was accepted in history. MCDOT takes the position that these are County Roads and by past public code at least 40 feet wide and that is the "rebuttable presumption." The challenging party must "rebut" that presumption, as the records are not always “at the ready” and there is not time to research the specific title record of each road unless a County Project requires it in order to expand on and enhance the existing use.