



## Legislation Details (With Text)

**File #:** 22-0048      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/21/2021      **In control:** Board of Supervisors

**On agenda:** 10/24/2023      **Final action:** 10/24/2023

**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign a Certificate of Acceptance for the U.S. Department of Transportation, Federal Highway Administration Highway Easement Deed, pertaining to the Ice House Road Pavement Rehabilitation Phase 2 Project, Capital Improvement Program 72191/36105023, for Ice House Road (County Road 147). This easement will formally provide access rights to the County and permit the County to perform maintenance, as necessary, across the subject County Road. (District V)

**FUNDING:** Federal Lands Access Program (85%) and Sacramento Municipal Utility District Upper American River Project Cooperative Agreement (15%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Highway Easement Deed, 3. C - Letter of Sufficiency, 4. D - 1963 and 1964 Special Use Permits, 5. Executed Highway Easement Deed

Date	Ver.	Action By	Action	Result
10/24/2023	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign a Certificate of Acceptance for the U.S. Department of Transportation, Federal Highway Administration Highway Easement Deed, pertaining to the Ice House Road Pavement Rehabilitation Phase 2 Project, Capital Improvement Program 72191/36105023, for Ice House Road (County Road 147). This easement will formally provide access rights to the County and permit the County to perform maintenance, as necessary, across the subject County Road. (District V)

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**DISCUSSION / BACKGROUND**

The Department of Transportation (Transportation) is working in coordination with and providing oversight for the Federal Highway Administration (FHWA) regarding Ice House Road Pavement Rehabilitation Phase 2 Project (Project) along portions of Ice House Road (County Road 147). The Project includes Ice House Road from Peavine Ridge Road to the northern section of Wentworth Springs Road. Transportation submitted two California Access Program grant application packages to fund Ice House Road pavement rehabilitation from MP 6.37 at Peavine Ridge Road to MP 23.94. On August 9, 2017, the California Program Decision Committee (PDC) selected Ice House Road for this program. For efficiency in overall design and construction costs, Central Federal Lands Highway Division (CFLHD) and County, with PDC concurrence, have combined the two (2) grant phases into one (1) Project totaling 17.57 miles in length, known as Phase 2. Ice House Road Rehabilitation Phase 1 repaired 7.1 miles from Wentworth Springs Road near MP 23.94 to Loon Lake near MP 31.06 and was completed in October 2016.

On May 9, 2017, Legistar 17-0374, Item 23, the Board allocated \$10,000 for the preparation of a scoping report, agreement, and delivery plan for the Federal Lands Access Program (FLAP) Funding grant application and adopted Resolution 078-2017 confirming the County's commitment to provide local matching funds and maintenance of Ice House Road for 20 years for the Project. FLAP provides funds for work on public highways, roads, bridges, trails, and transit systems located on, adjacent to, or that provide access to Federal Lands. This program was created under Moving Ahead for Progress in the 21st Century. This program places emphasis on projects that provide access to high-use recreation sites or Federal economic generators. This is the County's second and third FLAP grant awarded for the rehabilitation of Ice House Road. The total cost of the Project is \$24,807,832. FLAP awarded the County \$20,964,480, with the County's match of \$3,843,352, coming from SMUD funds. These facilities must be owned or maintained by a state, county, town, township, tribe, municipal, or local government.

On April 3, 2018, Legistar 18-0353, Item 27, the Board authorized the Director of Transportation (Director) to sign Reimbursable Agreement DTFH68-15-E-00034, Modification 002, with the FHWA CFLHD to proceed with the Project. Subsequently, on June 21, 2022, Legistar 22-0757, Item 16, the Board approved Modification 003 to the Reimbursable Agreement, which added a Highway Safety Improvement Program (HSIP) grant that Transportation received to replace roadway metal beam guardrails due to deterioration on Ice House Road. This Reimbursable Agreement defined the Scoping, Preliminary Engineering (PE), Construction (CN), and Construction Engineering (CE) costs and responsibilities between the County and FHWA. Per the Reimbursement Agreement DTFH68-15-E-00034 with the CFLHD, a Highway Easement Deed is required for the Forest Service portion of the road to formalize an easement for operation and maintenance of the roadway by El Dorado County. Ice House Road is already included in the County's Maintained Mileage Inventory, and the County has previously performed maintenance on through two Special Use Permits: one for Eastside Road (now Ice House Road) from Peavine Ridge to Robbs Saddle, dated August 26, 1963 and one from Robbs Saddle to Loon Lake, dated June 16, 1964. However, the Federal Government now uses easement deeds for road maintenance rather than Special Use Permits and requires that existing access rights be formalized through acceptance of a deed.

In December 2021, Transportation staff received the draft Highway Easement Deed (HED) from FHWA for review and concurrence for the Project. The HED will formally provide access rights to the County and permit the County to perform maintenance, as necessary for the grant, across the subject County Road. Staff reviewed and received verification of the HED with County Counsel, resulting in Counsel's Letter of Sufficiency in January 2022. In June 2023, staff received the final HED for review and concurrence from FHWA. The HED was subsequently approved by County Counsel and confirmed with FHWA. FHWA has signed and notarized the HED, and it must be authorized, signed by the Board Chair, and recorded to finalize the easement acquisition along Ice House Road. Transportation recommends the Board Chair sign the Certificate of Acceptance (COA) for the easement acquisition as described and depicted within the executed HED. The COA must be executed prior to the award of the construction contract. The Project began advertisement by FHWA in September 2023 and is anticipated to be awarded by January 2024, with a construction start date in the spring of 2024.

## **ALTERNATIVES**

If the Board chooses not to sign the HED, Transportation will not be able to complete the Project improvements and will jeopardize FLAP grant funding.

## **PRIOR BOARD ACTION**

See Discussion / Background section.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

FHWA CFLHD and County Counsel.

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

There is no change to net County cost associated with this item. Funding for the Project is budgeted in Transportation's 2023 Capital Improvement Program, which the Board approved on June 6, 2023, Legistar #23-0851, Item 56, and will be provided by a combination of FLAP grant funding and SMUD funds.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Board Chair's signature on the Certificate of Acceptance for the HED.
- 2) The Clerk of the Board will return the signed Certificate of Acceptance and the supporting documents to Transportation, Fairlane Engineering, Attn: Shanann Findley, for final processing.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Rafael Martinez, Director  
Department of Transportation