



Legislation Details (With Text)

File #: 23-0139 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 1/5/2023 **In control:** Board of Supervisors

On agenda: 1/10/2023 **Final action:** 1/10/2023

Title: Department of Transportation recommending the Board approve and authorize the Chair to sign Resolution 017-2023 approving the retroactive closure of the Rubicon Trail from the Airport Flats Campground to the County Line beginning Friday, December 30, 2022, for sixty (60) days or until weather conditions improve and any necessary repairs are completed, and to authorize the Director of Transportation to close additional roads as needed during the 2022 Storms local emergency as declared by the Board.

FUNDING: Road Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Resolution for Rubicon Trail Closure, 3. C - Rubicon Trail Closure Map, 4. Public Comment BOS Rcvd. 1-10-2023, 5. Public Comment BOS Rcvd. 1-9-2023, 6. Executed Resolution 017-2023

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

Department of Transportation recommending the Board approve and authorize the Chair to sign Resolution **017-2023** approving the retroactive closure of the Rubicon Trail from the Airport Flats Campground to the County Line beginning Friday, December 30, 2022, for sixty (60) days or until weather conditions improve and any necessary repairs are completed, and to authorize the Director of Transportation to close additional roads as needed during the 2022 Storms local emergency as declared by the Board.

FUNDING: Road Fund.

DISCUSSION / BACKGROUND

On January 4, 2023 (Item 33, Legistar 23-0090), the Board of Supervisors adopted Resolution 015-2023, which found that conditions of extreme peril exist due to an imminent and proximate threat to the safety of persons and property within the territorial limits of the County of El Dorado as a result of the 2022 storms that began on December 30, 2022. The proclamation of local emergency was made by the County’s Sheriff, acting as the Director of the Office of Emergency Services, dated December 31, 2022, was ratified by the Board, and remains in effect until terminated by the Board of Supervisors. The local emergency has yet to be terminated as of the date of this proposed Resolution.

The Rubicon Trail (Trail), which has been a County unmaintained public highway since 1887, extends from the Airport Flats Campground to the County Line boundary with Placer County and is managed and monitored by the El Dorado County Chief Administrative Office, Parks & Trails Division. The Trail received significant precipitation and snowfall during the 2022 storms, and due to heavy snow, saturated soils, and the unimproved nature of the trail, hazardous conditions have developed that

leave both County staff and members of the public at risk with minimal access to rescue services and additional inclement weather anticipated.

California Vehicle Code Section 21101(e) authorizes the Board to adopt a resolution authorizing a public officer to close a public road if it is necessary for the safety and protections of persons who use that street, and California Streets and Highways Code Sections 942.5(a) and (b) authorize the Board to close a county highway for the protection of the public or for the protection of such county highway from damage during a storm. Additionally, under California Government Code Section 8634, the Board of Supervisors or officials designated by the Board may take actions necessary to provide for the protection of life and property during a local emergency.

The proposed resolution would retroactively approve the closure of the Rubicon Trail, beginning Friday, December 30, 2022, from the Airport Flats Campground the County Line for sixty (60) days, including weekends and holidays, or until weather conditions improve and assessments of the trail condition and any necessary repairs can be made. Any extension beyond this initial period will require Board of Supervisors authorization. Transportation and the Parks and Trails Division will provide notification of the closure to the County Supervisors, business owners, residents, the general public, and to safety and law enforcement agencies in the Trail area through direct communications, signage, or flyers. All efforts will be made to inspect, repair, and re-open the Trail as soon as possible, as weather conditions safely allow.

Meteorological models currently predict that additional storms and precipitation are anticipated in the coming days and weeks. The Governor of the State of California proclaimed a State of Emergency beginning December 27, 2022, due to severe winter storms related to a series of atmospheric river systems, and the initial round of storms that caused widespread flooding throughout the West Slope and Tahoe Basin.

Based on the soil saturations observed, additional flooding and damage may occur as subsequent storm systems affect El Dorado County. As such, Transportation requests the Director of Transportation (Director) be delegated the authority to issue temporary closures of any County highway, or road that is serviced by a County Zone of Benefit, during the local emergency declared in Resolution No. 015-2023. Closures made under this delegated authority shall last for a consecutive period of no more than sixty (60) days, and any extension beyond this initial period will require Board of Supervisors authorization. Transportation shall establish an alternate access route during the time of the temporary closure and shall provide notification of the temporary closure and alternate routes to the County Supervisor for the affected district, business owners, residents, the general public, the El Dorado County Transit Authority, and safety and law enforcement agencies in the closure area. This authority would remain in effect until the Board finds that the local emergency declared in Resolution No. 015-2023 no longer exists.

Transportation is recommending the Board find that the closure of the Rubicon Trail is necessary for the safety and protections of County staff and members of the public.

ALTERNATIVES

The Board could decline to close the Rubicon Trail and allow access to any vehicle capable of accessing the unimproved trail. However, allowing vehicles on the Rubicon Trail in the current conditions has the potential to create public safety hazards if vehicles became trapped due to the deep snow conditions.

PRIOR BOARD ACTION

As outlined in the Discussion / Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Chief Administrative Office, Parks and Trails Division

CAO RECOMMENDATION / COMMENTS

Approved as recommended.

FINANCIAL IMPACT

The requested Board action has no associated fiscal impact or change to Net County Cost. After staff are able to inspect the closed road(s), the scope of necessary repairs can be determined and funding secured.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on the resolution.
- 2) The Clerk of the Board will forward a fully executed copy of the resolution to Transportation, attn.: Lindsay Tallman.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation