



Legislation Text

File #: 11-0597, **Version:** 1

Department of Transportation recommending the Board adopt **Resolution 136-2011** authorizing the Director of Transportation to execute regulatory documents for improvements, maintenance and operational programs for public facilities to allow the program implementation process to function more efficiently.

Fiscal Impact/Change to Net County Cost:

There is no fiscal impact associated with this agenda item.

Background:

It has been necessary for the Department of Transportation (Department) to secure various regulatory documents from several state and federal agencies in order to construct projects associated with advancing the County's Capital Improvement Program and to maintain public facilities.

Reason for Recommendation:

The Department intends to continue to pursue and obtain project opportunities that will require regulatory documents with various state and federal agencies. These agencies include the US Army Corps of Engineers, the State Water Resources Control Board and the Department of Fish and Game, and may refer to regulatory documents as permits, certifications, agreements, letters of permission, statements, requirements, conditions, orders and other similar types of terminology.

Capital Improvement Program (CIP) construction projects have California Environmental Quality Act (CEQA) and sometimes National Environmental Policy Act (NEPA) documents that evaluate the impacts of the projects, describe mitigation measures and prescribe the regulatory permits required. Almost all maintenance projects are categorically exempt under CEQA, but sometimes the activity may require a regulatory agency permit such as a California Department of Fish and Game (CDFG) Streambed Alteration Agreement. An example of this type of maintenance activity is the occasional need to do minor repair at bridge footings that may have lost embankment rock armoring in a severe storm event and it is necessary to enter a streambed with equipment and fill type material to repair the storm damage. This type of construction or maintenance activity can fall under the CDFG and other regulatory agencies jurisdiction for environmental protection and it is required that those agencies be informed of these activities through consultation and these types of permitting documents. Prior to the construction or maintenance activities these permitting agencies will review the proposed construction method, see if the appropriate and best management practices will be in place for preventing water pollution, wildlife habitat damage and that mitigation measures are adequate per CEQA and/or NEPA. These agencies typically will also inspect the construction or maintenance sites during the work to make sure there is compliance. These construction and maintenance activities are typically already approved by the Board in the CIP, proposed annual maintenance program and sometimes with a CEQA document. The permit fees from these agencies run from about \$100 to \$1000. The regulatory agencies do not require the County's Board to approve their permitting documents. A typical permit document is reviewed by a staff environmental planner, project manager and sometimes an environmental consultant before going to the Director of

Transportation for approval. By delegating the Director of Transportation authority to execute these common types of permitting documents, that were sometimes categorized as "contract agreements" by the County, eliminates additional legal counsel work and significant staff work that adds up to thousands of dollars in processing cost. Approximately 60 days of project schedule delay in waiting for the processing of a Board agenda item to be heard on the calendar would also be eliminated. This also frees up the Board's time and agenda for more important items of business.

In order for the program implementation process to function more efficiently and effectively, the Department hereby requests by Resolution that the Board delegate authority to the Director of Transportation to execute regulatory documents.

Action to be taken following Board approval:

- 1) The Board Clerk will obtain the Chair's signature on the Resolution.
- 2) The Board Clerk will return a fully executed copy of the Resolution to the Department for further processing.

Contact:

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Concurrences: County Counsel