



## Legislation Details (With Text)

**File #:** 21-0381      **Version:** 1

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**File created:** 3/3/2021      **In control:** Board of Supervisors

**On agenda:** 5/4/2021      **Final action:** 5/4/2021

**Title:** Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution 038-2021, pertaining to a Federal Lands Access Program grant application for the Fallen Leaf Road Pavement Rehabilitation and Recreational Access Project (CIP 72194, 36105050), wherein the County:

- 1) Authorizes the Director of Transportation, or designee, to execute a Reimbursement Agreement with the Federal Highway Administration for not more than \$10,000 of non-federal funding for development of a scope, schedule, and budget for the Project, should the Project be shortlisted;
- 2) Endorses that the County will provide 11.47% in non-federal matching funds, currently estimated at \$328,399, should the grant application be successful and the grant funding is subsequently accepted by the Board; and
- 3) Promises to provide maintenance funding for the improvements proposed by the Project for a period of 20 years, should the grant application be successful and the grant funding is subsequently accepted by the Board.

**FUNDING:** Federal Highway Administration's Federal Lands Access Program Funds (88.53% - Federal) and El Dorado County Road Fund, General Fund, Transient Occupancy Tax Revenue, or Shingle Springs Band of Miwok Indians Public Improvement Funds (Tribe Funds), or a combination thereof (11.47% - Local).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - County Counsel Approval, 2. B - Resolution, 3. C - Vicinity Map, 4. Executed Resolution 038-2021

Date	Ver.	Action By	Action	Result
5/4/2021	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution **038-2021**, pertaining to a Federal Lands Access Program grant application for the Fallen Leaf Road Pavement Rehabilitation and Recreational Access Project (CIP 72194, 36105050), wherein the County:

- 1) Authorizes the Director of Transportation, or designee, to execute a Reimbursement Agreement with the Federal Highway Administration for not more than \$10,000 of non-federal funding for development of a scope, schedule, and budget for the Project, should the Project be shortlisted;
- 2) Endorses that the County will provide 11.47% in non-federal matching funds, currently estimated at \$328,399, should the grant application be successful and the grant funding is subsequently accepted by the Board; and
- 3) Promises to provide maintenance funding for the improvements proposed by the Project for a period of 20 years, should the grant application be successful and the grant funding is subsequently accepted by the Board.

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Federal) and El Dorado County Road Fund, General Fund, Transient Occupancy Tax Revenue, or Shingle Springs Band of Miwok Indians Public Improvement Funds (Tribe Funds), or a combination thereof (11.47% - Local).

### **DISCUSSION / BACKGROUND**

The Department of Transportation (Transportation) is preparing a grant application to request federal funding from the Federal Highway Administration's (FHWA) Central Federal Lands Highway Division (CFLHD) Federal Lands Access Program (FLAP) to support the proposed Fallen Leaf Road Pavement Rehabilitation and Recreational Access Project (Project). The project would improve a 2-mile segment of Fallen Leaf Road from SR89 to Tahoe Mountain Road, including an extension of the bike path from the Fallen Leaf Lake Campground to Tahoe Mountain Road.

This Project has been chosen by Transportation because Fallen Leaf Road provides a critical connection for forest visitors to access the Tahoe National Forest and serves as a critical link for forest management and fire protection access to the Tahoe National Forest. Fallen Leaf Road also provides access to the Angora Highlands subdivision, which proved critical during evacuations due to the 2007 Angora Fire. Fallen Leaf Road provides direct motorized access to a variety of public recreation opportunities, including hiking, biking, back country camping, boating, fishing, cross-country skiing, and equestrian use, at locations including Fallen Leaf Lake, Angora Lakes, Fallen Leaf Lake Marina, Stanford Sierra Camp and Desolation Wilderness.

If the application is shortlisted by the California Programming Decisions Committee for FLAP selection, a Reimbursement Agreement must be executed by the County within 45 days of notification of shortlisting. The Reimbursement Agreement will require the County to reimburse FHWA up to \$10,000 to allow FHWA to generate a Scoping Document with more accurate scoping, schedule, and budget for the Project. If the Project is then selected for full implementation and funding by FLAP, Transportation will return to the Board to request execution of a Grant Agreement with FHWA, which will commit the County to providing the non-federal match funds and providing maintenance of the Project for 20 years. The total current estimated cost of the Project is \$2,863,114. The County's non-federal match would be 11.47% of that total cost, or approximately \$328,399.

Resolution **xxx-2021** commits the County to fund up to a maximum of \$10,000 for the aforementioned Reimbursement Agreement should the Project be shortlisted, endorses that the County will provide \$328,399 in non-federal match funds for the Project cost should the Project be approved for FLAP funding and the County agrees to accept the grant funding, and states that the County will maintain the Project for 20 years should the Project be funded and constructed. This Resolution is required for submittal with Transportation's FLAP grant application.

The executed Resolution must be submitted by the grant application deadline, May 27, 2021.

### **ALTERNATIVES**

Should the Board choose not to adopt the Resolution, Transportation will not be able to apply for FLAP funding and complete the proposed Project.

### **PRIOR BOARD ACTION**

The Board previously approved a similar action in 2017 to apply for FLAP funds (Legistar# 17-0269, Item 40). The County was unsuccessful with that application but was encouraged to re-apply.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the Resolution.

## **RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

If the County's application is shortlisted, the County will be required to provide up to \$10,000 to FHWA for a detailed Scoping Document. If the County's application is then approved for implementation and the Board accepts the grant, the County will be required between 2022 and 2024 to provide the 11.47% project match, which is currently estimated at \$328,399.

Neither the initial \$10,000 for the Scoping Document nor the \$328,399 project match can be funded with Federal money. Transportation is working to identify available non-federal funding sources that can fund projects in the Tahoe Basin, but none has yet been identified. Therefore, the County's share of the Project is currently proposed to be funded by the a combination of Road Fund, TOT, Tribe Funds, or General Fund. The proposed Resolution authorizes the first commitment of \$10,000, estimated to occur in Fiscal Year 2021-22, if the County's application is shortlisted. Due to the small size of this first match and due the one-time nature of this possible expenditure, Transportation is recommending that this \$10,000 match come from local discretionary funding (e.g., Transient Occupancy Tax funds or Tribe funds) already included in the Transportation budget. This match will only be required if the project is shortlisted for full evaluation by FLAP.

While the Resolution also states that the County will provide its 11.47% share of the total Project cost, the County is not formally obligated to provide the 11.47% share (currently estimated at \$328,399) unless the grant application is shortlisted, and then evaluated again and approved for funding and a subsequent Grant Agreement is executed between FHWA and the County. It is estimated that \$50,000 will be needed in FY 2022-23, and the remaining match would be needed in FY 2024-25. If the Board approves this item, Transportation will continue to look for funding for this 11.47% match. If no such funding is identified, the Board will have options later on in the grant process to use Tribe, Transient Occupancy Tax, Road Fund, or another non-federal funding source that may be available. If the Board does not wish to fund the project, the Board may instead terminate Transportation's pursuit of the FLAP grant funding.

If approved, Transportation will include these costs in the upcoming 2021 Capital Improvement Program (CIP) book adoption scheduled for June 2021, subject to grant awarding.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on the original Resolution.
- 2) The Clerk of the Board will forward a copy of the executed Resolution to John Kahling, Deputy Director, Headington Engineering, Transportation.

## **STRATEGIC PLAN COMPONENT**

Infrastructure

## **CONTACT**

Rafael Martinez, Director  
Department of Transportation