



## Legislation Text

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**File #:** 18-0419, **Version:** 1

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Community Development Services, Department of Transportation, recommending the Board adopt and authorize the Chair to sign Resolution **065-2018** authorizing the Director of Transportation, or designee, to execute regulatory documents for improvements, maintenance, and operations of Capital Improvement Program projects and public facilities.

**FUNDING:** N/A

### **DEPARTMENT RECOMMENDATION**

Community Development Services, Department of Transportation (Transportation), recommending the Board adopt and authorize the Chair to sign the Resolution (Resolution) authorizing the Director of Transportation (Director), or designee, to execute regulatory documents for improvements, maintenance, and operations of Capital Improvement Program (CIP) projects and public facilities allowing for the program implementation process to function more efficiently.

### **DISCUSSION / BACKGROUND**

Transportation 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 California Department of Fish and Wildlife (CDFW), and may refer to regulatory documents as permits, certifications, agreements, letters of permission, statements, requirements, conditions, orders and other similar nomenclature. The Board approved Resolution 136-2011 on August 2, 2011 (Item 15), which gave authority to the Director to execute these regulatory documents. Since the reorganization of Transportation and the name change of CDFW, the Resolution requires updating.

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 CDFW 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 CDFW 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 \$6,000. 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 for approval. By authorizing the Director to execute these common types of permitting documents, it will eliminate additional legal counsel work and improve efficiency.

### **ALTERNATIVES**

The Board could choose not to adopt the Resolution, thereby requiring Transportation to return to the Board to obtain regulatory document authorizations each time one is necessary. This could ultimately increase project delivery costs and affect Transportation's ability to maintain project schedules.

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

County Counsel has reviewed and approved the Resolution.

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item.

### **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 one (1) copy of the executed Resolution to Transportation, Fairlane Engineering, attention Matt Smeltzer.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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