

Private Roads as Emergency Access and/or Evacuation Routes - Preliminary Feasibility/Funding/Practical Factors

January 22, 2019 – Presentation before the Board of
Supervisors

(Direction from Board meeting of 10-16-18)

PROPOSAL: SEPARATE FIRE TRAFFIC & EVACUEE TRAFFIC INCREASED ACCESS CAPACITY DURING AN EMERGENCY

Consider providing a basic “private (dirt) road” for emergency access.

Road maintenance efforts by agreement with willing owners over their resource type roads or with private road association roads.



1991 Oakland Hills Fire – Fire Equipment
Road/Driveway Standards

TWO CASE STUDIES

- * Old FirCO logging haul road that connects with Poppy Drive between the Willits Airport and Sherwood Road in the Brooktrails Subdivision.
- * Private Subdivision road connecting Pearl Drive to Canyon Drive in the Mitchell Creek Subdivision.

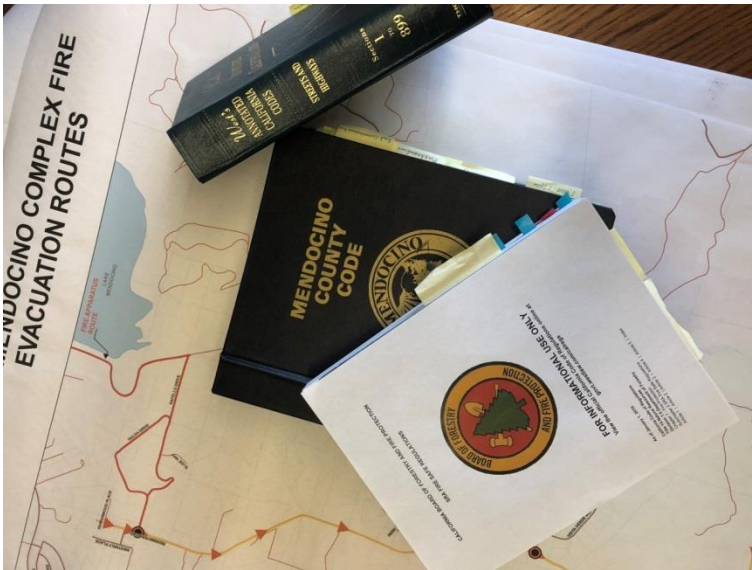


Consider new Mendocino County Policies or Codes

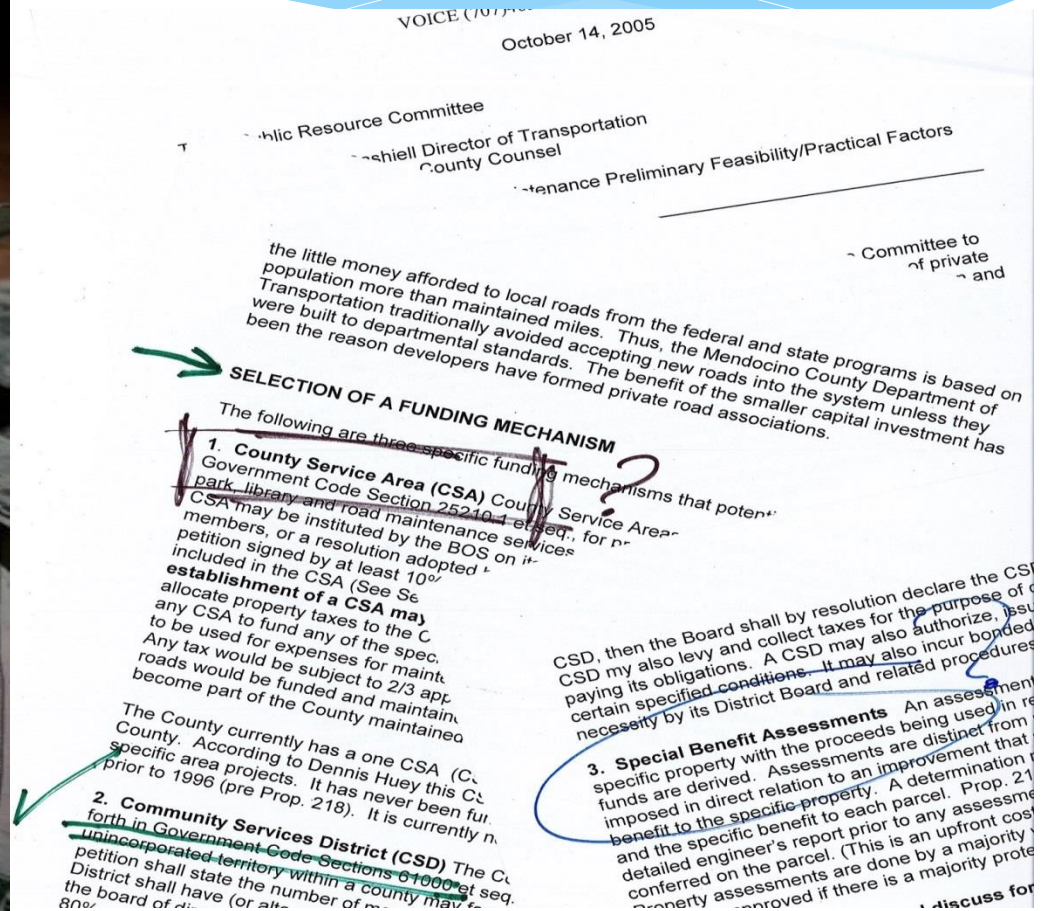
Responsibility to participate in Private Roads as Emergency Access and/or Evacuation Routes

Define legal authority and standards for Emergency Access

Will we condemn private property? Or seek willing owners? Will we lease or buy? For how long?



Who Pays?



How to organize? How to budget for maintenance?

Someone should look at that old 2005 memo for funding private roads.

County Service Area (CSA) or Community Services District (CSD)

CSA with Zone of Benefit

- * Most counties form a CSA for multiple services and for larger areas –like Permanent Road Divisions (PRD). Adopting the rules and regulations for roads under Streets and Highways Code. CSA is open to the public – **not gated**.
- * A CSA is a special district of the state and also a "county dependent special district." Most require a road that is brought to current public road standards. The CSA is appropriate for larger geographic areas (regional traffic). PRDs are better for isolated subdivisions with roads open to the public – **not gated**.

CSD: Independent or Dependent

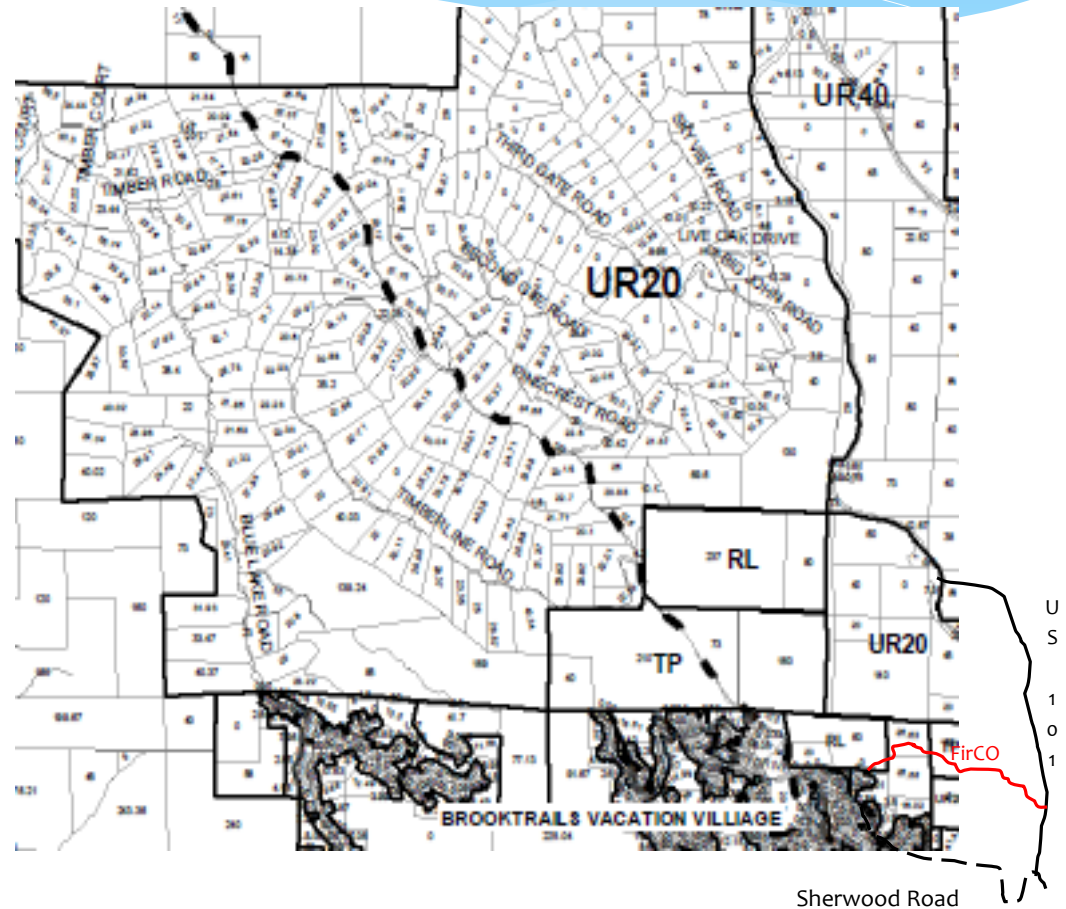
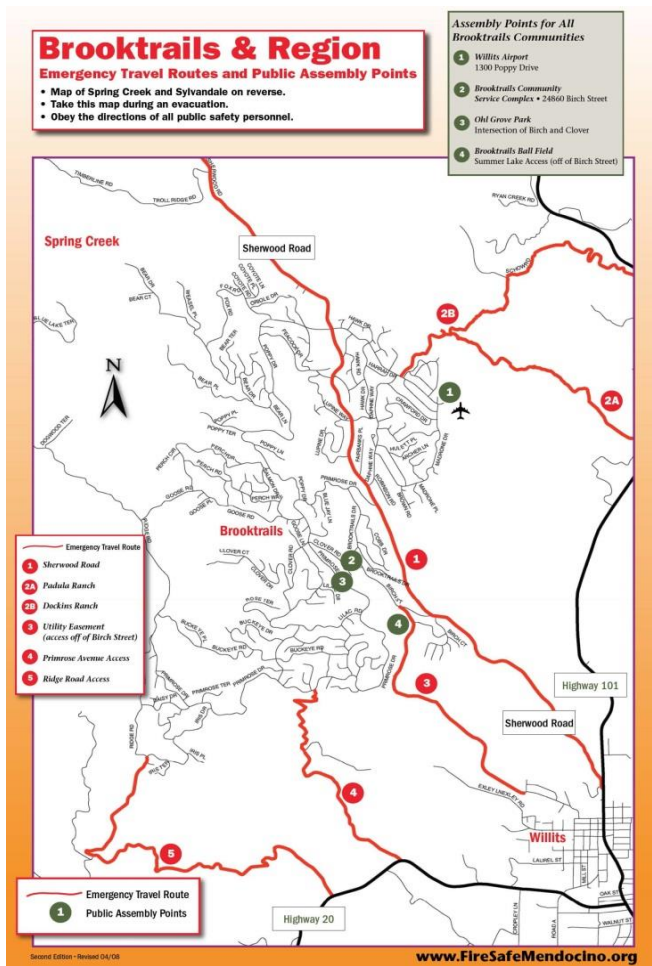
- * CSD can be Independent versus Dependent. Independent districts have their own separate governing boards elected by the district's own voters. Dependent districts are governed by other, existing legislative bodies (County Board of Supervisors). All CSAs, are dependent districts.
- * CSD can be set up for gated roads because they are very specific and limited as to function of a service to limited user group – **gated**.
- * Given the desire to keep evacuation roads compatible with private gates in consideration of owners, this proposal assumes CSDs going forward.

CSD and CSA have the following in common:

- * An organized group, such as a road or fire wise association, submits a completed application and petition to the Local Agency Formation Commission (LAFCO) to start the formation process. If dependent through the County – *How many on the petition?*
- * Proposition 218 applies, “The Right to Vote on Taxes Act.” CSD or CSA must conduct a ballot and public hearing in order to set the initial fee and any proposed rate increases. A special tax requires a 2/3 majority approval of the registered voters voting within the zone boundaries. Special tax can be established with an escalator. Any proposed increase exceeding the approved maximum amount would require a 2/3 majority approval in another election – *Assessments or fees pay for ALL costs?*
- * Independent CSDs elect their own Board and must follow Public Contract Code and prevailing wage standards by their own policies and procedures.
- * Dependent CSDs and CSAs are set up with Board of Supervisors (BOS) governance; the BOS can also establish advisory committees appointed at the recommendation of residents within each zone, and who serve at the pleasure of the BOS.
- * Any and all road work is paid for from each respective CSD's or CSA's account. Road work within a zone of benefit is governed by the County's Bidding Procedure and Public Contract Code. Licensing, Bonding and compliance with prevailing wage standards are required.
Decide: *Independent or Dependent CSD?*

Explore formation of CSDs for Emergency Service Area Access and/or Evacuation Route Zones

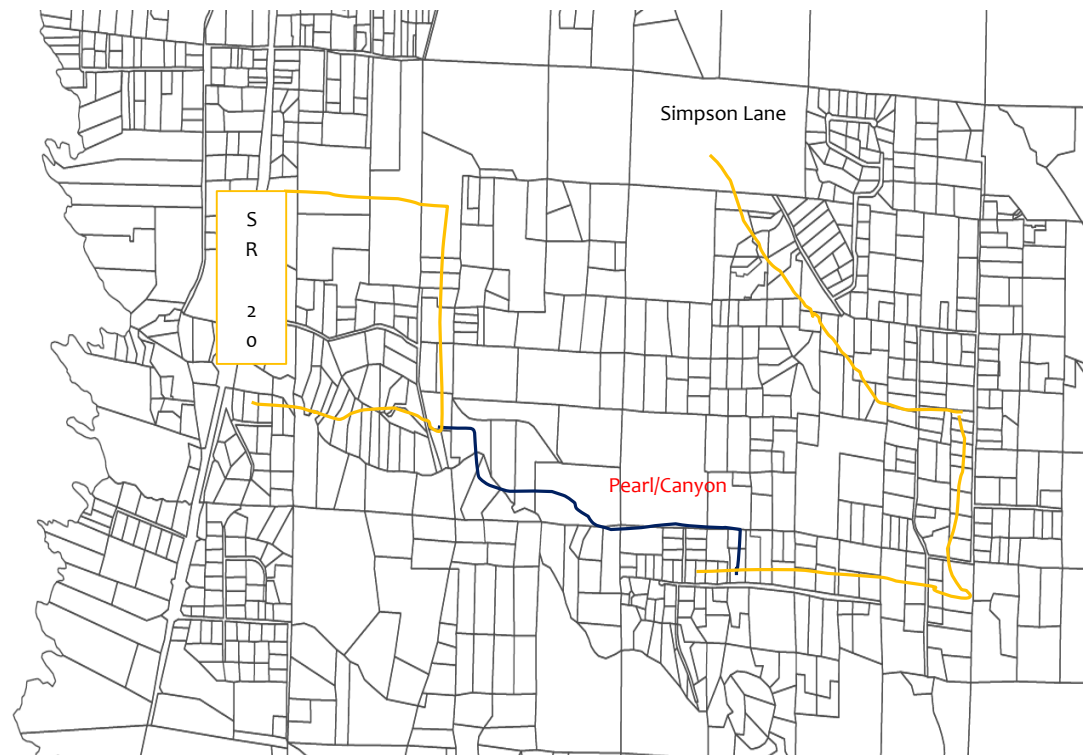
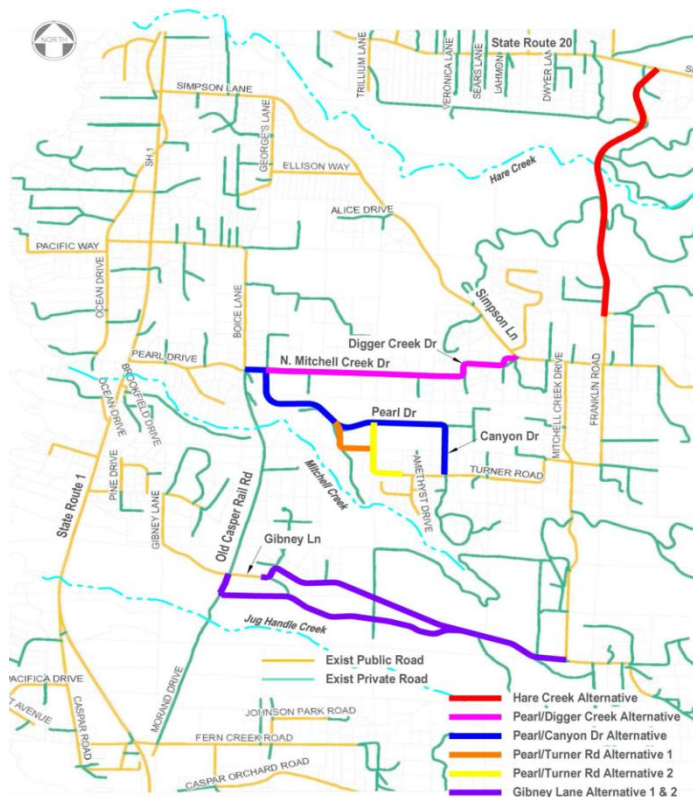
* Look at Case Studies for Practical Factors:



Explore formation of CSDs for Emergency Service Area Access and/or Evacuation Route Zones

How to “spread” the assessment?

- * Look at Case Studies for Practical Factors:



RECAP - Decisions

- * Define legal authority and standards for Emergency Access. If Emergency Equipment then “CalFire Standards” - If Public?
- * Will we condemn private property? Or seek willing owners? Will we lease or buy? For how long?
- * Who Pays? All Districts? General Fund to form District then be reimbursed?
- * Independent or Dependent?
- * Formation - How many on a petition? 10%? From all parts of the proposed District?
- * How do we “spread” the assessment? Hold a number of public meetings or through outreach?

RECAP – Big Questions

- * How? What resources will we need to accomplish this work if the Board decides to proceed?
- * Initial set-up will require staff time to meet with private road owners – negotiate easements?
- * Meet with the public – engaged folks show up at meetings – 10 to 20%. We will need 67% to vote it in so there needs to be some outreach. This is beyond what existing staff can just “add in” to their schedules given the present disaster repair project work load.
- * We need to hire a consulting firm. –OR-
- * We add a senior level position to help start this work? More Full time equivalent (FTEs) positions could be necessary if many districts are desired.
- * Maybe we can get a grant for some of the planning and public meetings – if not what would be the General Fund budget?

THE END (OR BEGINNING)

QUESTIONS