



Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account Funds for FY 2023-24

RECOMMENDATION

Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.

FISCAL IMPACTS OF RECOMMENDATION

Based on information provided by CaliforniaCityFinance.com and the League of California Cities, the City of Berkeley can expect to collect an estimated \$3,135,540 in Road Maintenance and Rehabilitation Account (RMRA) allocated funding in Fiscal Year (FY) 2024. No budgetary action is required at this time. RMRA appropriations will be addressed with the adoption of the FY 2024 Budget.

CURRENT SITUATION AND ITS EFFECTS

California Senate Bill 1 (SB1), signed into law on April 28, 2017, increased certain vehicle fuel and registration taxes and fees, and with those funds has created an RMRA, a portion of which will be distributed to jurisdictions. The California Transportation Commission (CTC) requires jurisdictions to submit documentation annually that RMRA funds were specifically adopted for allowed local streets and roads purposes. In order to receive this funding, the City must annually submit to the State a list of projects anticipated to be completed. For FY 2024, the CTC requires the submission of a list of projects proposed to be funded with RMRA during FY 2024 by July 1 2023. The adoption of the attached resolution by Council is a CTC requirement for RMRA funding; however, the provided project list is a plan and RMRA allows for the funding of projects not included in this list as long as they meet RMRA's requirements.

BACKGROUND

On April 28, 2017, the Governor signed Road Repair and Accountability Act (SB1) to address basic road maintenance, rehabilitation, and critical safety needs on both the state highway and local streets and road system. SB1 provides for the deposit of various funds for the program in the RMRA, which SB1 created in the State Transportation Fund, including the following:

- Revenues attributable to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment;
- 50% of a \$0.20 per gallon increase in the diesel excise tax, with an inflation adjustment;
- A portion of a new transportation improvement fee imposed under the Vehicle License Fee Law with a varying fee between \$25 and \$175 based on vehicle value and with an inflation adjustment; and
- A new \$100 annual vehicle registration fee applicable only to zero-emission vehicles model year 2020 and later, with an inflation adjustment.

The fuel excise tax increases took effect on November 1, 2017, the transportation improvement fee took effect on January 1, 2018, and the zero-emission vehicle registration fee takes effect on July 1, 2020.

Similar to the Highway Users Tax Account (HUTA), the Road Maintenance and Rehabilitation Account (RMRA) is continuously appropriated, and apportioned on a monthly basis. There is not a set monthly amount as it is use-based. The first apportionments to the City of Berkeley were received in February 2018.

According to the applicable California Streets and Highways Code, eligible projects “shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects”¹. There is no use-it-or-lose-it requirement in SB1, so multi-year projects are eligible. Eligible projects include, but are not limited to:

- Road maintenance and rehabilitation
- Safety projects
- Railroad grade separations
- Complete streets components, including active transportation, bike/pedestrian, transit facilities, and stormwater capture projects, in conjunction with an allowable project
- Traffic control devices
- Match for state/federal funds for eligible projects

SB1 requires cities and counties to provide basic project reporting to the CTC annually for projects to be funded through the RMRA. On August 16, 2017, the CTC adopted annual reporting guidelines for this funding. The guidelines require jurisdictions to submit documentation annually to show that RMRA funds were specifically adopted for allowed local streets and roads purposes, and also requires the submission of a list of projects proposed to be funded with RMRA during the fiscal year. The legislation also requires an annual expenditure report on work completed during the previous fiscal year to be submitted no later than October 31st.

¹ Streets and Highways Code – SHC Division 3. Apportionment And Expenditure Of Highway Funds Chapter 2. Road Maintenance And Rehabilitation Program Section 2030(A)

Complete streets improvements such as bike lanes, curb ramps, and pedestrian crossing improvements are allowable uses of RMRA funds. In addition to the previously designated projects listed in last year's Resolution No. 70,384–N.S., which will have RMRA expenditures taking place in FY 2024, staff has selected the FY 2024 Street Rehabilitation projects for use of RMRA. The projects are summarized in the following paragraph, and the complete list is provided in the Resolution (Attachment 1).

Pavement maintenance or rehabilitation as part of the FY 2024 Street Rehabilitation Project (PWENST2401). Selected segments include Derby Street from Sacramento Street to Martin Luther King Jr. Way (overlay; 10-year useful life), Derby Street from Milvia Street to Telegraph Avenue (overlay; 10-year useful life), Grizzly Peak Boulevard from Spruce Street to Marin Avenue (overlay; 10-year useful life), Creston Road from Grizzly Peak Boulevard to Sunset Lane (overlay; 10-year useful life), Bancroft Way from Piedmont Avenue to Milvia Street (reconstruct; 20-year useful life), Dana Street from Bancroft Way to Dwight Way (reconstruct; 20-year useful life), Fulton Street from Bancroft Way to Dwight Way (overlay; 10-year useful life), and Hopkins Street from San Pablo Avenue to Sutter Street (reconstruct; 20-year useful life).

Continuing projects with FY 2023 RMRA funding to be expended in FY 2024 include: Pavement maintenance or rehabilitation as part of the FY 2023 Street Rehabilitation Project (PWENST2301). Selected segments include Channing Way from Sacramento Street to McKinley Avenue (reconstruct; 20-year useful life), Creston Road from Sunset Lane to Grizzly Peak Boulevard (overlay; 10-year useful life), Dana Street From Dwight Way to Ward Street (surface seal; 10-year useful life), Derby Street from Telegraph Avenue to College Avenue (reconstruct; 20-year useful life), Durant Avenue from Milvia Street to Fulton Street (reconstruct; 20-year useful life), Dwight Way from Piedmont Avenue to East End (reconstruct; 20-year useful life), Grizzly Peak Boulevard from Spruce Street to Marin Avenue (reconstruct; 20-year useful life), Hillegass Avenue from Dwight Way to Woolsey Street (surface seal; 10-year useful life), Latham Lane from Miller Avenue to Grizzly Peak Boulevard (overlay; 10-year useful life), McGee Avenue from Russell Street to Dwight Way (surface seal; 10-year useful life), Miller Avenue from Hilldale Avenue to Shasta Road (surface seal; 10-year useful life), Otis Street from Russell Street to Ashby Avenue (overlay; 10-year useful life), Rose Street from Sacramento Street to Martin Luther King Junior Way (reconstruct; 20-year useful life), and Woolsey Street from Hillegass Avenue to College Avenue (reconstruct; 20-year useful life).

Utilization of the RMRA funding will support the City's Strategic Plan goal of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well maintained infrastructure, amenities, and facilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

RMRA funds will benefit all modes of transportation by improving road surfaces for bicyclists and transit riders as well as for auto riders, which could result in lessening greenhouse gas emissions.

RATIONALE FOR RECOMMENDATION

A project list is required to be adopted by City Council in order for the City to receive RMRA disbursements from the State Controller's office. Staff proposes use of RMRA funds for maintenance or rehabilitation of local streets as part of the FY 2024 Street Rehabilitation (PWENST2401). It should be noted that the provided project list is a plan; in the end-of-year reporting on actual spending of RMRA funds, the CTC allows for the completion of projects not included in this list as long as they meet the requirements for RMRA funding.

ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's pavement condition is currently in the "at risk" category as defined by the Metropolitan Transportation Commission and is in need of continued maintenance and rehabilitation.

CONTACT PERSON

Liam Garland, Director, Department of Public Works (510) 981-6303
Ronald Nevels, Interim Manager of Engineering (510) 981-6439

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

RESOLUTION APPROVING PROPOSED PROJECTS ANTICIPATED TO BE PAID FOR BY THE STATE'S ROAD AND MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) FUNDS FOR THE CITY OF BERKELEY FISCAL YEAR 2023-24

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must approve by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$3,135,540 in RMRA funding in Fiscal Year 2023-24 from SB 1; and

WHEREAS, this is the seventh year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a public process to ensure public input into our community's street priorities and the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will be used by the City for basic street maintenance and rehabilitation, critical safety projects on local roadways, and pedestrian safety and transportation projects throughout the City this year and for similar projects into the future; and

WHEREAS, the 2020 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in the low end of the fair condition category,

and this revenue will help us increase the overall quality of our road system, and improve their bicycle and pedestrian mobility and safety; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

WHEREAS, the following list of proposed projects is anticipated to be funded in-part or solely with Fiscal Year 2023-24 Road Maintenance and Rehabilitation Account revenues:

FY 24 Street Rehabilitation

- Segment 1, Derby Street from Sacramento Street to Martin Luther King Jr. Way (0.48 miles)– overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in July 2023 and will be completed by December 2023.
- Segment 2, Derby Street from Milvia Street to Telegraph Avenue (0.56 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in July 2023 and will be completed by December 2023.
- Segment 3, Grizzly Peak Boulevard from Spruce Street to Marin Avenue (0.67 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2024 and will be completed by December 2024.
- Segment 4, Creston Road from Grizzly Peak Boulevard to Sunset Lane (0.36 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2024 and will be completed by December 2024.
- Segment 5, Bancroft Way from Piedmont Avenue to Milvia Street (0.61 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in August 2024 and will be completed by December 2025.
- Segment 6, Dana Street from Bancroft Way to Dwight Way (0.25 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in August 2024 and will be completed by December 2025.
- Segment 7, Fulton Street from Bancroft Way to Dwight Way (0.25 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in August 2024 and will be completed by December 2025.
- Segment 8, Hopkins Street from San Pablo Avenue to Sutter Street (1.62 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2024 and will be completed by December 2024.

The following previously proposed and approved projects may utilize FY 2023-24 Funds Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

FY 2023 Street Rehabilitation

- Segment 1, Channing Way from Sacramento Street to McKinley Avenue (0.43 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 2, Creston Road from Sunset Lane to Grizzly Peak Boulevard (0.36 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 3, Dana Street from Dwight Way to Ward Street (0.31 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 4, Derby Street from Telegraph Avenue to College Avenue (0.31 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 5, Durant Avenue from Milvia Street to Fulton Street (0.23 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 6, Dwight Way from Piedmont Avenue to East End (0.26 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 7, Grizzly Peak Boulevard from Spruce Street to Marin Avenue (0.67 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 8, Hillegass Avenue from Dwight Way to Woolsey Street (0.77 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.

- Segment 9, Latham Lane from Miller Avenue to Grizzly Peak Boulevard (0.10 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 10, McGee Avenue from Russell Street to Dwight (0.51 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 11, Miller Avenue from Hilldale Avenue to Shasta Road (0.66 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 12, Otis Street from Russell Street to Ashby Avenue (0.13 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 13, Rose Street from Sacramento Street to Martin Luther King Junior Way (0.48 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 14, Woolsey Street from Hillegass Avenue to College Avenue (0.11 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit the list of proposed projects to the California Transportation Commission as required by Senate Bill 1, Road Repair and Accountability Act of 2017.