



## Legislation Text

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**File #:** 2021-0607, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:** Johannes J. Hoevertsz 707-565-2231

**Vote Requirement:** 4/5th

**Supervisory District(s):** First, Second, and Fourth

**Title:**

Amendment to the 2022 and 2023 Pavement Preservation Program

**Recommended Action:**

- A) Approve an amendment to the list of projects of the 2022 and 2023 Pavement Preservation Program incorporating the following maintenance and capital improvement projects:
  - i. Infrastructure Resiliency Investment Plan Tier 1 List of Projects
  - ii. Langner Avenue
  - iii. Monte Vista Lane
  - iv. Turnouts and Dig Outs

- B) Approve a budgetary adjustment to the Department of Transportation and Public Work FY 2021-22 Adopted Budget for expenditure of the Tier 1 list of disaster damaged road segments totaling 21.36 million financed with Pacific Gas & Electric settlement funds and use of \$600,000 in Graton Mitigation Funds for projects in the vicinity of the Graton Resort and Casino.

(4/5<sup>th</sup> Vote Required)(First, Second and Fourth Districts)

**Executive Summary:**

Litigation by the Sonoma County Board of Supervisors against Pacific Gas & Electric (PG&E) to recover damages related to the 2017 Sonoma Complex Fires of October 2017 (2017 Wildfires) resulted in an allocation of \$149.3 million to Sonoma County. On October 6, 2020, staff presented a summary of the community feedback for the Board's consideration. At that meeting, the Board directed staff to bring a list of projects including road segments damaged directly by equipment used in firefighting and burned debris removal efforts, as well as, criteria for selecting 'generational projects'. On December 15, 2020, staff presented the Infrastructure Resiliency Investment Plan based on three tiers of projects and the Board allocated \$59.1 million in PG&E Settlement funds to fund planned project costs. Tier 1 projects (Attachment A) consisted of a list of road segments damaged as a result of the private property debris removal effort following the 2017 Wildfires, with a cost estimate of \$21.36 million to repair these damages submitted for reimbursement to California Governor's Office of Emergency Services (CalOES) and the Federal Emergency Management Agency (FEMA). Staff recommended the Board earmark \$21.36 million in PG&E Settlement funds to finance project work in the event that the County's reimbursement claim appeal to CalOES and FEMA failed. FEMA has yet to make a decision on the appeal.

The Department of Transportation and Public Works (TPW) is requesting Board approval to amend the list of

projects of the 2022 and 2023 annual Pavement Preservation Program, approved by the Board on May 25, 2021. If approved, this action will authorize TPW to proceed with the design and construction of the approved Tier 1 list of projects up to \$21.36 million from the PG&E Settlement funds to ensure project delivery is programmed as part of the 2022 and 2023 Pavement Preservation Program. The action will also authorize inclusion of District 2 road(s) to the program, which were identified by the district and are added to the program expecting the benefit of economies of scale in delivering the projects. Added projects will include Langner Avenue and Monte Vista Lane located in the vicinity of the Graton Resort and Casino and funded with \$600,000 in available Graton Mitigation Funds. Locations for the installation of turnouts to allow cars to pass on segments of roads are being evaluated by the department, District 2, and fire and emergency services. Dig outs are localized pavement repairs to correct structural deficiencies. The pavement is saw-cut in rectangular patterns and all material within the rectangle is removed and replaced.

## **Discussion:**

### Background

The Sonoma Complex Fires of October 2017 (Tubbs, Nuns, Pocket) collectively burned 110,000 acres, destroyed 5,300 homes, and took the lives of 24 county residents. The Tubbs fire, destroying 4,658 homes and five percent of Santa Rosa's housing stock, was the most destructive blaze of the three. More than 2 million tons of debris were hauled away, and over 950 fire departments and agencies from around the world responded to the fires. The County sustained extensive transportation infrastructure damages to roads, signs, retaining walls, guardrail, trees, and culverts. In addition, the County expended numerous resources to respond to the fires and mitigate damages, including preventing debris flow and pollution from entering the County's waterways and water supply.

### County Roads Infrastructure Losses and Damages from the 2017 Sonoma Complex Wildfire

TPW began assessing damage to County infrastructure immediately after the 2017 Fires. TPW staff worked with CalOES and FEMA to meticulously collect and analyze data over the next 18 months in order to document the damages for purposes of calculating grant reimbursement amounts from both agencies. The non-pavement related damage assessment resulted in an estimated \$12.9 million dollars. These damages included burned tree removal, the replacement of burned signs, culverts, guardrail, traffic signals controllers, light poles, and retaining walls.

Countywide road damage resulting from fire suppression efforts and subsequent Private Property Debris Removal (PPDR) were initially estimated at over \$120 million dollars. After discussions with CalOES, the number of road segments were reduced to include only the worst segments and the estimate was revised to \$80 million. The estimate was further reduced at the request of CalOES to approximately \$21.36 million by changing the maintenance strategies from overlays and full depth reclamation to dig outs and patching.

TPW submitted the CalOES approved PPDR damaged roads project costs to FEMA and requested \$21,365,500 in public assistance. FEMA denied the County's request, finding that these damages were ineligible for public assistance. The County has appealed FEMA's denial. Appeals are reviewed by CalOES for a recommendation and then submitted to FEMA for a decision. The County's PPDR damaged roads appeal has been reviewed by CalOES, and CalOES has recommended that FEMA deny the appeal, citing the pre-existing deterioration of the roads and lack of evidence of damage directly attributable to the PPDR efforts. FEMA has not yet made a

decision on the appeal even though CalOES submitted the appeal with its recommendation to FEMA over a year ago. The County is working with legislators to urge FEMA to reach a decision on the appeal. Please see 'Attachment B' for a narrative of the reimbursement request and denial.

Allocation of PG&E settlement funds for this work would not impact the outcome of the appeal. TPW will take measures to ensure that the road repair work is compliant with FEMA requirements.

#### Infrastructure Resiliency Investment Plan

Tier 1 represents the \$21.36 million list of damaged road segments submitted for reimbursement to CalOES and FEMA as described above and shown in 'Attachment A'. Staff is recommending the Board allocate \$21.36 million in PG&E Settlement funds to finance project work. There may be a small chance the County will receive reimbursement for a portion of these costs through FEMA public assistance. However, given FEMA's initial denial of the claim, and CalOES' recommendation of denial of the appeal, County staff is not optimistic that the appeal will be successful. TPW has continued to work on a resolution of the appeal in coordination with the County Administrator Office, the Auditor-Controller-Treasurer-Tax Collector and County Counsel.

#### Proposed Amended Project List of the 2022 and 2023 Pavement Preservation Program

Staff is requesting Board approval to amend the 2022 and 2023 annual Pavement Preservation Program to include Tier 1 list of projects funded by up to \$21.36 million from the PG&E Settlement funds and Second District roads identified by the district expecting the benefit of economies of scale in delivering the projects. District 2 projects include Langner Avenue and Monte Vista Lane located in the vicinity of the Graton Resort and Casino and funded with \$600,000 in Graton Mitigation Funds and Turnouts and Dig Out projects funded with \$800,000 in District 2 2022 and 2023 PPP allocations. Installation of turnouts allow cars to pass on segments of roads. Dig outs are localized pavement repairs to correct structural deficiencies. The pavement is saw-cut in rectangular patterns and all material within the rectangle is removed and replaced. Locations for these roads are currently being evaluated by the department, District 2 and fire and emergency services.

#### **Prior Board Actions:**

5/25/21 Board approved the annual 2022 and 2023 Pavement Preservation Program

12/15/2020 Allocation of PG&E Settlement Funds for Transportation, Utilities Undergrounding, Communications, Safety, and Preparedness Infrastructure Investments

10/6/20 Board led discussion on PG&E Settlement Funds - Community Feedback and Preliminary Allocation of funds

8/11/20 Board held PG&E Settlement Funds preliminary discussion

#### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY 22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses	\$800,000		
Additional Appropriation Requested	\$21,965,000		

<b>Total Expenditures</b>	<b>\$22,765,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF	\$800,000		
State/Federal			
Fees/Other/Settlement Funds/Graton Funds	\$21,965,000		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$22,765,000</b>		

### Narrative Explanation of Fiscal Impacts:

The PG&E Settlement Funds for Tier 1 projects proposed in the Board Item, totaling \$21.36 million were originally scheduled to be included in TPW's FY 2022-23 recommended budget. However, due to unfavorable determinations by FEMA and CalOES regarding the eligibility of these projects for grant reimbursement to date, the Department is requesting the funding to be appropriated in FY 2021-22. This change will enable the Department to move forward with repairs immediately.

District 2 projects located at Langner Avenue and Monte Vista Lane near the Graton Casino will be funded with \$600,000 in Graton Mitigation Funds. Turnouts and Dig Out projects will be funded with \$800,000 in District 2 2022 and 2023 PPP allocations.

If approved, appropriations will be requested as part of the FY 21-22 first quarter consolidated budget adjustments.

### Summary of Proposed Investments and PG&E Settlement Balance

<b>PG&amp;E Settlement Funds</b>	<b>\$149,300,000</b>
Funds Allocated during FY 20/21 Budget Hearings	(\$26,800,000)
Renewal Enterprise District/Housing	(\$10,000,000)
Vegetation Management	(\$25,000,000)
Proposed Transportation and Communications Infrastructure, Utilities Undergrounding, and Emergency Preparedness	(\$59,070,000)
Fuels Map Decision Support Tool	(\$1,600,000)
Policy Planning Support	(\$70,000)
Climate projects	(\$10,000,000)
Climate staffing and supplies	(\$2,450,000)
FY 21/22 Budget Hearing adjustment to available PG&E funds resulting from replacement of one-time PG&E funds allocated during FY 20/21 Budget Hearings, with on-going sources	+\$3,571,692
Funds Allocated during FY 21/22 Budget Hearings	(\$3,500,000)
<i>BRIC Pending Match</i>	<i>(\$12,500,000)</i>

Funds Remaining	\$1,881,692
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**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Attachment A: Tier 1 Road Damage Assessment

Attachment B: Narrative of Reimbursement Request

**Related Items “On File” with the Clerk of the Board:**

None.