



Office of the City Manager

CONSENT CALENDAR

April 27, 2021

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 (RMRA) Funds for FY2022

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 \$2,410,408 in Road Maintenance and Rehabilitation Account (RMRA) allocated funding in Fiscal Year (FY) 2022. No budgetary action is required at this time. RMRA appropriations will be addressed with the adoption of the FY 2022 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 a 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 2022, the CTC requires the submission of a list of projects proposed to be funded with RMRA during FY 2022 by May 1, 2021. The adoption of the attached resolution by Council is a CTC requirement for Berkeley's RMRA project list submittal.

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.

Complete streets improvements such as bike lanes, curb ramps, and pedestrian crossing improvements are allowable uses of RMRA funds. In addition to the previously

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

designated projects listed in last year's Resolution No. 69,377–N.S., which will have RMRA expenditures taking place in FY 2022, staff has selected the FY 2022 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 is part of the FY 2022 Street Rehabilitation Project (PWENST2201), and the selected segments are consistent with the City Council's approval of the first three years of the 5 Year Paving Plan². Selected segments include Browning Street from Addison Street to Dwight Way (overlay; 10-year useful life), Colusa Avenue from North City Limit to Solano Avenue (overlay; 10-year useful life), Delaware Street from Acton Street to Sacramento Street (surface seal; 10-year useful life), Ellsworth Street from Stuart Street to Ashby Avenue (surface seal; 10-year useful life), Fulton Street from Dwight Way to Stuart Street (surface seal; 10-year useful life), Heinz Avenue from Seventh Street to San Pablo Avenue (reconstruct; 20-year useful life), Stuart Street from Fulton Street to Ellsworth Street (overlay; 10-year useful life) and Stuart Street from Benvenue Avenue to College Avenue (overlay; 10-year useful life).

Continuing projects with FY 2021 RMRA funding to be expended in FY 2022 include: Pavement maintenance or rehabilitation as part of the FY 2021 Street Rehabilitation project (PWENST2101). Selected segments include Bancroft Way from 6th Street to San Pablo Avenue (surface seal; 10-year useful life), Channing Way from Martin Luther King Jr. Way to Shattuck Avenue (reconstruction; 20-year useful life), Emerson Street from Adeline Street to Shattuck Avenue (surface seal; 10-year useful life), Essex Street from Adeline Street to Shattuck Avenue (surface seal; 10-year useful life), Spruce Street from Arch Street to Eunice Street (overlay; 10-year useful life), Ada Street from Ordway Street to Sacramento Street (reconstruction; 20-year useful life), Channing Way from McKinley Avenue to Martin Luther King Jr. Way (reconstruction; 20-year useful life), Curtis Street from Rose Street to Virginia Street (reconstruction; 20-year useful life), Holly Street from Rose Street to Cedar Street (reconstruction; 20-year useful life), Second Street from University Avenue to Addison Street (reconstruction; 20-year useful life) and Berkeley Marina Roadway Improvements on University Avenue/Marina Boulevard/Spinnaker Way (reconstruction; 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

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

² https://www.cityofberkeley.info/Clerk/City_Council/2021/01_Jan/Documents/2021-01-26_Item_14_Public_Works_Commission_Recommendation.aspx

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 2022 Street Rehabilitation (PWENST2201). 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 low end of the fair index category and is projected to decline, and is in need of continued maintenance and rehabilitation.

CONTACT PERSON

Liam Garland, Director, Department of Public Works (510) 981-6303
Joe Enke, Acting Manager of Engineering (510) 981-6411

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 FISCAL YEAR 2022

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 \$2,410,408 in RMRA funding in Fiscal Year 2022 from SB 1; and

WHEREAS, this is the fourth 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 communities 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 2018 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 2022 Road Maintenance and Rehabilitation Account revenues:

FY 22 Street Rehabilitation

- Segment 1, Browning Street from Addison Street to Dwight Way (0.50 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 2, Colusa Avenue from North City Limit to Solano Avenue (0.68 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 3, Delaware Street from Acton Street to Sacramento Street (0.13 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 4, Ellsworth Street from Stuart Street to Ashby Avenue (0.24 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 5, Fulton Street from Dwight Way to Stuart (0.38 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 6, Heinz Avenue from Seventh Street to San Pablo (0.26 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 7, Stuart Street from Fulton Street to Ellsworth Street (0.12 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.

- Segment 8, Stuart Street from Benvenue Avenue to College Avenue (0.07 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.

The following previously proposed and approved projects may utilize fiscal year 2021 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 2021 Street Rehabilitation

- Segment 1, Bancroft Way from 6th Street to San Pablo Avenue (0.32 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 2, Channing Way from Martin Luther King Jr. Way to Shattuck Avenue (0.26 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 3, Emerson Street from Adeline Street to Shattuck Avenue (0.15 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 4, Essex Street from Adeline Street to Shattuck Avenue (0.17 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 5, Spruce Street from Arch Street to Eunice Street (0.19 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 6, Ada Street from Ordway Street to Sacramento Street (0.26 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 7, Channing Way from McKinley Avenue to Martin Luther King Jr. Way (0.06 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2021 and will be completed by December 2021.

- Segment 8, Curtis Street from Rose Street to Virginia Street (0.20 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 9, Holly Street from Rose Street to Cedar Street (0.17 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 10, Second Street from University Avenue to Addison Street (0.09 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2021 and will be completed by December 2021.

Berkeley Marina Roadway Improvements on University Avenue/Marina Boulevard/Spinnaker Way

- Segment 1, University Avenue from Marina Boulevard to West Frontage Road (0.30 miles), reconstruct the street pavement. The work will provide a twenty year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 2, Marina Boulevard from University Avenue to Spinnaker Way (0.43 miles), reconstruct the street pavement. The work will provide a twenty year useful life. Construction is to start in June 2021 and will be completed by December 2021.
- Segment 3, Spinnaker Way from Breakwater Drive to Marina Boulevard (0.28 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2021 and will be completed by December 2021.

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.