

Regulatory Requirement for Reverting a Road Back to a Gravel Surface

Survey Question:

Like many of you, we (at Glenn County) have several low ADT local rural roads that have become too expensive and/or labor intensive to maintain as a paved surface. Historically, we have informally advised the affected residents of our proposal and, when they requested of us to keep their road as a paved surface (too dusty, bumpy, etc), we suggested that they provide the funding for difference in the cost of materials and we provide the labor. We are not proposing to abandon the road, just making it easier and less expensive to maintain.

Some have agreed with the plan and some have not. As noted before, this has always been done on an informal, handshake agreement-type basis, with no complications thus far. I have recently been informed that there may be some formal hearing process if we intend to revert a road back to a gravel surface, either in front of the Road Commissioner and/or the BOS.

I've always thought it was within the PW Director's authority to decide, thus my query to the group: Is there a regulatory requirement to do so and, if so, what is it? Also, would appreciate any reference to Streets & Highways Code to support one way or the other. Lastly, assuming others are doing something similar, I'm looking for any forms/templates/letters to make this a more formal arrangement.

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Survey Responses:

Siskiyou County	Scott Sumner Director of Public Works 1312 Fairlane Road Yreka, California 96097 (530) 842-8250 ssumner@co.siskiyou.ca.us Comment: We have listed some Streets and Highways sections that are relevant to your question. As Road Commissioner, I would feel comfortable making recommendations for reverting	Whenever I look for something in the Streets & Highways Code, I rarely find a specific section dealing with the issue at hand. With this in mind, the following is offered: <u>Section 941</u> The board of supervisors shall cause those county highways, which are necessary to public convenience, to be maintained as provided in Division 2, Sections 900 thru 1757. <u>Section 1070</u> The board of supervisors determines that if the maintenance of any existing county highway is too great to pay out of the road fund, the board may charge the expense to the county general fund. <u>Section 1075</u> The board of supervisors may have any work upon county highways done under the supervision and direction of the county road commissioner.
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	<p>roads to gravel when no alternative exists due to lack of funding for proper maintenance or repair (particularly when the surface gets so bad it becomes unsafe). I would however make sure that I did advise my Board prior to implementing a change like this. I suppose that if they felt it were necessary to have a public hearing they would ask that one be held. Scott</p>	<p><u>Section 1331</u> The road commissioner shall have charge of the construction and maintenance of all county bridges, under the order and direction of the board of supervisors.</p> <p><u>Section 1550</u> The board of supervisors may levy property tax for highway purposes.</p> <p><u>Section 1622</u> Highway Users Tax shall be deposited in a "road fund" which the board of supervisors shall establish for that purpose.</p> <p><u>Section 1626</u> Power is hereby granted to the board of supervisors to construct, maintain, improve and repair any county highway.</p> <p>There may be many more code sections, which are relevant, but I believe the above is sufficient to show that the board of supervisors has full authority to maintain county highways as they wish. The board would decide if a public hearing is necessary when considering reverting a road back to a gravel surface.</p> <p>As for entering into a "handshake agreement" with private property owners for the maintenance of a county highway, I believe any such agreement would need to be in written form. Perhaps, the creation of a special road district would be more appropriate.</p>
<p>Colusa County</p>	<p>James (Jim) Bell Public Works Director jbell@ccdpc.com</p> <p>Comment: Your inquiry is an increasingly more important matter as road funding is limited and we are under increasing pressure to meet demands versus available revenues. Gravel roads may be more cost effective for lower volume roads but there may be land uses adverse to reversion of roads into gravel such as orchards</p>	<p>The following information was provided by Jon Wrynski of the County of Colusa.</p> <p>Present Practice for Reverting Roads to Gravel:</p> <p>We have reverted several roads to gravel over the last 20 years, and some portions of roads. Because of the diversity of agriculture in our County, we know some areas are more problematic than others-areas with orchards have landowners that are usually less receptive to the idea. Rice fields to our knowledge aren't adversely affected by dust whereas orchards are. We have made it a practice to notify the landowners when such a reversion is being contemplated and have not had much resistance as the landowners usually see it as an improvement. We currently have one situation where we were effectively begged to put a road back to gravel and did so while making it clear we made no promises if or when there might be funds available to put a new surface on the road.</p> <p>Our process has been informal to date, but I would think if a citizen wanted to they could require a</p>

	compared to field crops.	County to perform a CEQA analysis before reverting a road to gravel.
Santa Cruz County	John Presleigh Director of Public Works dpw001@co.santa-cruz.ca.us	<p>It has been our experience that it takes more time and higher costs to maintain a dirt road (especially those in the mountainous areas where there is heavy rainfall, with low or high ADTs) then a road that is chip sealed every 7 to 10 years.</p> <p>The other problem that we ran into was controlling the runoff of significant amounts of erosion from an unpaved roadway (especially in areas where there streams and creeks that run parallel to the road and are filled with endangered species). Two years ago, we looked at abandoning a number of County roads that are used by a few residents and we were turned down by the BOS. At this point, I would even think about bringing back a recommendation to let a road revert back to an unpaved condition. I do not recall any regulatory authority that prohibits the Director/Road Commissioner from taking action to let a road revert back to an unpaved condition, but I would be surprise that your Board would approve such a recommendation.</p>
Tuolumne County	Peter Rei Public Works Director PREI@co.tuolumne.ca.us	<p>The only section I know of in the Streets and Highways code that addresses this issue is Section 1500. I pasted it in verbatim below. Not a lot of guidance in this section on how you actually accomplish such a limited maintenance standard, nor the liability implications of doing so.</p> <p>I do not know of any other citation that requires such a hearing. However, if there is such a section I would really like to know of it.</p> <p>CALIFORNIA CODES STREETS AND HIGHWAYS CODE SECTION 1500</p> <p>1500. The board of supervisors may adopt standards for limited maintenance of county highways, which have a low traffic volume.</p>
Sutter County	Douglas R. Gault Director of Public Works Phone: (530) 822-7450 Email: Gault@co.sutter.ca.us	I am unaware of any state code section requiring a formal process. We just make a decision and do it.