



# San Bernardino County

## Legislation Text

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**File #: 5194, Agenda Item #: 79**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY AND RECORD OF ACTION**

**December 7, 2021**

#### **FROM**

**BRENDON BIGGS, Director, Department of Public Works - Transportation**

#### **SUBJECT**

Terminate Road Maintenance of Palm Avenue, Devore Area

#### **RECOMMENDATION(S)**

IT IS ANTICIPATED THAT THIS ITEM WILL BE TAKEN OFF CALENDAR  
CONTINUED FROM TUESDAY, OCTOBER 26, 2021, ITEM NO. 91

1. Conduct a public hearing on the proposed termination of road maintenance on Palm Avenue, from the north side of Cajon Boulevard, north 0.11 mile, in the Devore area, hereinafter referred to as the "terminated limits."
2. Find that the proposed termination of road maintenance on Palm Avenue within the terminated limits is an exempt action under Sections 15060(c)(2) and 15305 of the California Environmental Quality Act Guidelines and direct the Clerk of the Board to file and post the Notice of Exemption.
3. Adopt Resolution terminating the road maintenance of Palm Avenue within the terminated limits declaring that:
  - a. it is unnecessary for the public convenience based upon the new constructed alignment of Palm Avenue grade separation project between the City of San Bernardino and San Bernardino County Transportation Authority (previously known as San Bernardino County Associated Governments).
  - b. it shall no longer be maintained by the County.
  - c. it is removed from the County Maintained Road System.
4. Direct the Clerk of the Board to forward a copy of the Resolution to the Department of Public Works to be recorded in the official records in the Office of the County Assessor-Recorder-County Clerk.

(Presenter: Brendon Biggs, Director, 387-7906)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

**Operate in a Fiscally Responsible and Business-Like Manner.**

#### **FINANCIAL IMPACT**

Approval of this action will not result in the use of Discretionary General Funding (Net County Cost). Minor administrative costs associated with updating the Department of Public Works (Department) records will be funded by Gas Tax revenue. Sufficient appropriation is available in the Department's 2021-22 Road Operations budget.

#### **BACKGROUND INFORMATION**

Adoption of this Resolution will remove Palm Avenue, from the north side of Cajon Boulevard, north 0.11 mile, in the Devore area, from the County Maintained Road System (CMRS), as the road is not necessary for public convenience.

The Highway Planning Technical Committee (HPTC) discussed the removal of Palm Avenue from the CMRS due to the construction of the Palm Avenue Grade Separation Project between the City of San Bernardino (City) and San Bernardino County Transportation Authority (SBCTA) and planned development to the area. The HPTC determined Palm Avenue, within the removal limits, is now unnecessary for public convenience as it was realigned with the grade separation project and now meets the criteria listed in the Board of Supervisors (Board) approved Policy No. 12-32 of the Policy Manual of intermittent and low volume traffic.

Pursuant to Section 954.5(b) of the Streets and Highways Code, a public hearing must be convened in order for the Board to consider the evidence submitted at the hearing and to make the above-described finding. Further, this section of the Streets and Highways Code requires that a notice of the hearing be mailed to the owner of any property served by the County highway subject to the termination of maintenance. Finally, Streets and Highways Code section 8323 requires the posting of at least three notices of the public hearing at least two weeks before the hearing.

Notice of this public hearing was mailed by the Department to adjacent property owners. Also, at least two weeks before this hearing, the Department posted on the subject portion of Palm Avenue three notices of the public hearing in compliance with Sections 954.5(b) and 8323 of the Streets and Highways Code.

If a determination is made that maintenance is no longer necessary, the Department will post signs that are clearly visible from the traveled highway for a period of one year that indicates the highway is no longer maintained by the County.

By removing roads from the CMRS that are not necessary for public convenience, the Department is able to focus resources on roads that are necessary for public convenience and thus operate in a fiscally-responsible and business-like manner.

Environmental staff of the Department has reviewed this project and has determined that a categorical exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Title 14 of the California Code of Regulations, Section 15305 is appropriate. This exemption allows for minor alterations in land use limitations, which do not result in any changes in land use or density. In addition, the project is exempt from CEQA under CEQA Guidelines section 15060(c)(2) as the termination of road maintenance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

#### **PROCUREMENT**

Not applicable.

#### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on September 27, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on November 12, 2021; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 16, 2021.