



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Response to 2023-2024 Grand Jury Report "Santa Cruz County Local Roads - A Smooth Path Through Paradise or a Hell of a Road"

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 3, 2024 at 2:23 PM

Good Afternoon,

Please see attached for the required response from the Santa Cruz County Board of Supervisors to the 2023-2024 Grand Jury Report titled "Santa Cruz County Local Roads - A Smooth Path Through Paradise or a Hell of a Road" which was approved by the Board of Supervisors on August 27, 2024.

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

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To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

2 attachments

 **Cover Letter Local Roads response.pdf**
199K

 **Santa Cruz County Local Roads GJ Report Board of Supervisors Response.pdf**
524K



County of Santa Cruz

BOARD OF SUPERVISORS

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August 30, 2024

The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

RE: Response to the 2023-2024 Grand Jury Report “Santa Cruz County Local Roads – A smooth path through paradise or a hell of a road?”

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Santa Cruz County Board of Supervisors’ response to the 2023-2024 Grand Jury Report “Santa Cruz County Local Roads – A smooth path through paradise or a hell of a road?”

Sincerely,

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the

Santa Cruz County Board of Supervisors

to Respond by September 3, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

Santa Cruz County Local Roads

A smooth path through paradise or a hell of a road?

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated August 27, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. Underfunding the road and culvert maintenance work on the 586 miles of County roads in unincorporated Santa Cruz County for more than four decades has created a backlog of deferred maintenance currently exceeding $\frac{3}{4}$ of a billion dollars which creates a hazard for residents.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County has many demands on its limited resources. The County of Santa Cruz is systematically underfunded compared to county peers and statewide county averages. These funds are allocated to the County based on systems outside of the County's control, such as nearly five decades of property tax regulations and recent State decisions to send online sales tax from local purchases to where warehouses are located. These circumstances restrict the County's ability to provide services including road and culvert maintenance.

Santa Cruz County has particularly difficult geography making it challenging to maintain local roads. The County was recently named the 15th most vulnerable county in the Country to landslides by the Federal Emergency Management Agency (FEMA). The County also faces vulnerabilities due to sea-level rise, as seen in damages from recent federal disasters where high tides and storm surge caused millions of dollars of damage to county infrastructure.

Many local roads were originally not built for long-term public use, such as roads used for the logging industry. These roads, many built along waterways that make them more vulnerable, were under engineered and are susceptible to continued damage that further stresses the County's resources.

F2. Due to the large shortfall in funding, Santa Cruz County Department of Public Works adheres to the accepted practice promoted by the Federal Highway Administration and RTC of prioritizing pavement preservation over pavement restoration. Much of the public lacks awareness of this practice in the absence of a formally documented policy which impacts voter choices.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County Department of Public Works uses industry-wide pavement management practices that results in the most efficient use of scarce resources. Information regarding pavement work is available on the County website (see [Transportation & Roads \(santacruzcountyca.gov\)](https://www.santacruzcountyca.gov/Transportation%20&%20Roads), [Completed County Resurfacing Projects 2018-2023](#) and [Current Paving Projects](#)). The Board of Supervisors is also regularly informed of pavement practices including annual proposals on how to spend Measure D funding. The most recent Measure D Plan was approved June 25th, 2024 ([Measure D 5-Year Plan for Fiscal Year 2024-25](#)). Additional information can be found within the Community Development and Infrastructure department budget (see [Community Development and Infrastructure 2024-25 Proposed Budget](#)).

F3. The County road maintenance strategy differs by Supervisorial District leading to inconsistent road repair expectations among districts. This lack of a coordinated strategy leaves residents frustrated and with a sense of unfair treatment.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

General road maintenance consisting of vegetation management, surface patching, ditch cleaning and drainage maintenance is prescribed independent of political boundaries.

County-wide pavement management funding is programed based on the percentage of road miles within each district. Some districts include cities with roads that fall outside of the County's responsibility. The pavement maintenance strategy follows industry-wide best management practices consistently.

F4. Storms of 2017 and 2023 caused significant road failures. Contributing factors were inadequate culvert, drainage ditch, and road surface maintenance which led to culvert failures and full road washouts leaving residents stranded or incurring significant delay.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

While it is agreed that the condition of county transportation infrastructure was a contributing factor to the damage caused by the storms of 2017 and 2023, this report has failed to adequately attribute factors such as age and the increasing pressure of climate change-driven disasters on the County's transportation network. Since 2017, Santa Cruz County has experienced seven federally declared disasters that have caused hundreds of millions in damages to County infrastructure. This magnitude and frequency of disasters is unmatched in the County's history. The 2017 and 2023 storm seasons each produced nearly seven times as much damage (measured by both estimated costs and number of sites) of an average storm season. This scale of impact is anticipated to continue, compromising the County's ability to maintain its infrastructure.

Asserting a causal connection between the County's road maintenance program and the catastrophic failure of entire hillsides or overwhelmed culverts during unprecedented storms is baseless and wholly irresponsible. The failure of the Bates Creek culvert under Main Street in Soquel, for example, was not a maintenance issue but the result of a storm cell that stalled upriver of the culvert, sending a surge of water and debris that was without precedent through a system that was never designed for it in the first place.

F5. The County of Santa Cruz has failed to ask unincorporated County voters to increase the funding of the Special District 9D (1-3) road assessment fee since its inception in 1998, which has resulted in a drastic loss of revenue for maintaining County roads.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The County has explored the possibility of asking voters for a Special District CSA 9D several times in the past and is currently making a more serious inquiry into to voters' appetite for a proposed increase.

F6. The County of Santa Cruz has failed to perform resurfacing maintenance on many of the smaller unincorporated local roads, resulting in higher failure rates and at least a 10 times increased maintenance cost when and if those roads are resurfaced.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County utilizes an industry-wide best management practice that results in the most cost-effective method of maintaining the County road network within existing resources. As illustrated in this [Completed County Resurfacing Projects report](#) on the Department of Community Development and Infrastructure website, 85.5 miles of roads, many smaller local roads, were resurfaced between 2018 and 2023.

The County resurfaced nearly one-sixth of its road network between 2018 and 2023. While there is more work to be done, the assertion that it has failed to perform this work on unincorporated local roads is entirely without merit.

F7. Santa Cruz County's neglect of unincorporated local roads for many decades has led to an average Pavement Condition Index of less than 48 (as of 2019) which is 17 points below the statewide average. With the current funding level, it is projected to be 38 in 2024, and it is further projected to drop to 33 by 2028 which will leave the County in a position to experience higher catastrophic road failures.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County has not neglected unincorporated local roads, as evidenced by \$350 million spent on roads in the last seven fiscal years. This figure represents \$580,000 per road mile, and is greater than the Sheriff's Office's entire operating budget for three years, would fund County Parks 20 times over, and is five times larger than the Measure S library bond.

However, Santa Cruz County has unique challenges to improving our Pavement Condition Index, including:

- Difficult geography with unstable land in the mountains and low-lying roads on the coast and south that are vulnerable to coastal flooding.
- Roads in use that were originally not built for long-term public use, such as roads originally built by the logging industry. These roads were under-engineered and are vulnerable to damage.
- Many roads were built adjacent to waterways, and are more susceptible to increased pressures from extreme weather and coastal flooding.
- Systematic underfunding due to reasons beyond the County's control including property tax and sales tax allocation regulations.
- Already scarce funding being allocated to support priority emergency repair projects, including those that restore access to residential neighborhoods or the ability of public safety personnel to respond to critical life/safety incidents.

F8. The County prioritizes preventive maintenance of roads in fair to good condition over road repair and reconstruction due to limited discretionary funds. As a result, many residents in local road areas will have to contend with very poor/failed roads into the foreseeable future.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Santa Cruz County Community Development & Infrastructure uses a pavement management industry-wide best management practice that results in the most efficient use of scarce resources to address road treatment.

As stated above, the County made significant progress on local road maintenance including road resurfacing thanks to new sources of funding such as Measure D, and is studying whether residents would support additional road funding through CSA 9D.

F9. The most recent LAFCO and County reports fail to provide detailed accounting of how 9D funds are being spent. The result is that taxpayers lack the information to ensure that generated funds are being used appropriately.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The accounting information regarding the use of CSA 9D funds are appropriate and in compliance with Government Accounting Standards Board (GASB). However, more programmatic information could be provided such as specific services and areas funds are being utilized for.

F10. Minor progress has been made in seeking and securing additional funding sources. The additional funding is far short of what is needed to maintain and repair the road network.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

Measure D (local half-cent sales tax) and Senate Bill (SB) 1 (State funding from vehicle registration fees/fuel taxes) are relatively new, having passed in 2016 and 2017, respectively. Measure K half-cent sales tax approved by voters on March 5, 2024, will provide a new source of funding for roads projects. As part of placing the measure on the ballot, the Board adopted a resolution supporting budget priorities for Measure K that includes \$1 million for road repair and critical infrastructure. Public Works staff also continuously secure substantial grant funding to dedicate to County transportation projects. Recent examples of this are \$16.5 million in state funding for the Soquel Drive Buffered Bike Lane & Congestion mitigation project and \$14.2 million for several projects from the Santa Cruz County Regional Transportation Commission in the most recent consolidated grant program. We do not consider these substantial investments to be 'minor,' although we acknowledge existing revenues are not sufficient to maintain our road network at the highest levels.

F11. Measure K funds go directly into the General Fund and road maintenance funding expenditures are only recommended. This may allow the funding to go to other needs.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

As part of placing the measure on the ballot, the Board adopted a resolution supporting budget priorities for Measure K that includes \$1 million for road repair and critical infrastructure. The Board could choose to revisit these priorities and adjust budget allocations depending on needs and interests.

Recommendations

R1. The Grand Jury recommends that the DPW complete a public report by December 31, 2024 which shows the prioritization of culvert and drainage ditch maintenance in order to help prevent road washouts that are more costly to repair. (F1, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

A detailed field study is underway of the over 6,000 culverts within the County's maintained road system that will assess and help refine the County's needs in this area. Information is being compiled for this study and it will likely be complete and presented to the Board by June 30, 2025.

R2. The Grand Jury recommends that the Board of Supervisors increase annual funding to the DPW to improve at least one local road segment with a PCI of less than 40 as listed in the Pavement Management report, in each Supervisorial district starting December 31, 2024. (F1, F2, F7, F8, F9)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

This recommendation does not meet the industry-wide best management practice for pavement management.

The Board has allocated \$1 million from the recently passed Measure K to dedicate to roads. Additionally, the Department of Community Development and Infrastructure is in the initial development of proposing an increase to the county-wide special benefit assessment dedicated to roads (CSA 9D).

R3. The Grand Jury recommends that the DPW supply information to LAFCO detailing expenditures in each of the three zones of CSA 9D for the years 2020-2023 by October 31, 2024. (F6, F10)

—

HAS BEEN IMPLEMENTED – summarize what has been done

X

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

—

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

—

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

This information resides in the Public Works cost accounting management system and will be transmitted to LAFCO per the recommendation.

R5. The Grand Jury recommends that the County Board of Supervisors should begin the process necessary to increase the funding in CSA 9D to an amount in line with what is needed to reduce the backlog of very poor and failed road repairs by December 31, 2024. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Initial steps in this process, including planning and information consultations, have already begun. However, implementation will depend on residents subject to any assessment increase.

R6. The Grand Jury recommends that the County Board of Supervisors take steps necessary to add a consumer price index increase to CSA 9D, as allowed by law, by December 31, 2024. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This will be considered in the process described in recommendation 5. This effort will begin in Fiscal Year 2024-25.

R7. The Grand Jury recommends that the County Board of Supervisors continue to prioritize a minimum of 10% of Measure K funds to repair roads in the County with a PCI of 25 or less by December 31, 2024. (F10, F11)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Board evaluates and sets County priorities through the annual budget process. This process allocates the County's scarce resources across many competing demands such as addressing homelessness, providing affordable housing, maintaining public safety and the many mandated services the County must provide.

The Board has programmed \$1 million of Measure K in Fiscal Year 2024-25 for road repairs. Any further investment will be recommended by Public Works to follow best management practices.

R8. The Grand Jury recommends that the DPW formalize its policy of abandoning pavement restoration on very poor and failed Local roads into a publicly available document in order to inform affected property owners and prospective buyers by December 31, 2024. (F2, F3, F4, F7, F9)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Abandoning pavement restoration on very poor and failed local roads is not and never was a policy of Public Works. A better funded pavement management program could result in more frequent road treatments throughout the unincorporated County.