

QUESTIONS & ANSWERS REGARDING PAVING OF COUNTY SUBDIVISION PAVED ROADS

February 19, 2010

Since the County has initiated the public discussion of how to address the poor pavement condition of paved roads in Boulder County Subdivisions, there have been many questions from the public. Below are responses to many of the questions we have received to date. If there are additional question that you have, please email them to transportation@bouldercounty.org and we will add them to this list.

1. HAVE THE COUNTY COMMISSIONERS DECIDED TO IMPOSE A ROAD TAX OR FEE ON SUBDIVISION PROPERTY OWNERS?

No. The Commissioners want to know what the citizens of the County think should be done to address the deteriorating pavement on roads in county subdivisions and have been soliciting public feedback through county staff for the past several months.

The Commissioners asked the Transportation Department to convene a working group of representatives of subdivision homeowner associations and other organizations to review relevant information, discuss options for addressing paving of subdivision roads, and make recommendations on appropriate next steps to address this issue. The findings of the work group are only the first step in the process of determining how to address the issue of deteriorating subdivision roads, and they give us a starting place to have a broader discussion of this issue. Please see questions 16, 17 and 18 for more information on the work group.

The Commissioners and the Subdivision Work Group are having work a session on March 4 at 3pm. Since this is a work session no public comment will be taken, however the session will be webcast and can be viewed live online at: <http://video.bouldercounty.org/archive/liveVid.asp>

After the workshop with the Subdivision Paving Work Group, the Commissioners will decide on what steps, if any, should be pursued to address this situation.

2. WHAT IS THE PROBLEM?

The question at hand is how to pay for the reconstruction and resurfacing of deteriorating paved road in unincorporated county subdivisions. There are about 150 miles of paved roads in more than 100 platted subdivisions in unincorporated Boulder County. More than 30 percent of the paved roads in these subdivisions are in poor condition because they have not been resurfaced or repaved in many years, and in some cases, since they were built more than twenty years ago. As a result of the deteriorating condition of many of these roads, the county is receiving an increasing number of requests to repave these local roads and has, in some areas, had trouble plowing snow since the pavement is so bad. As local roads, including those in subdivisions, have continued to deteriorate, this issue has become a major concern to residents, the county Transportation Department and the Board of County Commissioners.

3. DOES THIS MEAN THE COUNTY IS NOT GOING TO PLOW MY ROAD OR PATCH POTHOLES ON MY STREET?

No. The county will continue to provide the services we currently provide, including plowing snow and patching potholes. This discussion is about how to pay for repaving of unincorporated county subdivision paved roads.

4. HOW WAS PAVEMENT CONDITION DETERMINED?

Every three years the county hires a company to measure the pavement quality of every mile of paved road in the unincorporated county. The pavement quality is measured by a specially equipped van that measures how many cracks are in the pavement and how rough the ride is. From this information every segment of road is assigned a number from 1 (bad) to 10 (good). This number is called the Pavement Quality Index, or PQI.

Roads with a PQI between 1 and 5 are rated as Poor. Roads with a PQI from 5 –7 are rated Fair. Roads with a PQI greater than 7 are rated Good.

5. CAN I FIND OUT WHAT CONDITION MY ROAD IS IN?

Yes. You can find the pavement condition of any subdivision road if you go to the following link:

<http://www.bouldercounty.org/transportation/SubdivisionPaving.htm>

6. HOW MUCH WOULD IT COST TO ADDRESS THE SITUATION?

Based on the results of the 2009 pavement survey, the amount of traffic on the road and other factors, the cost to bring all the public paved subdivision roads in the unincorporated county up to a good level of repair over the next five years is forecasted to be about \$22 million, or \$4.4 million per year; which is about one third of the current annual revenue received by the county transportation department that can be used for roadway maintenance and reconstruction..

7. THAT'S A LOT OF MONEY. WHAT HAPPENS IF WE DON'T FIX THE ROADS?

Each year of delay increases the costs of total repairs between \$1.5 to \$2 million and increases the costs of ongoing day to day maintenance and repair since there will more potholes that need patching, cracks in the pavement that need to be sealed and plowing of snow will be more difficult and expensive.

8. CAN WE SPEND LESS MONEY AND STILL DO SOME GOOD?

\$22 million over five years would bring all county subdivision paved roads to a "Good" level of pavement quality within five years and be the most cost effective long term way to address the situation.

However, should less money be available, difficult choices would have to be made. The strategy chosen would largely depend on the amount of funding that is available and the legal requirements associated with the mechanism used to raise the funds. One option is to focus available funds on repairing only the worst roads, and let the other roads continue to deteriorate. Another approach is to focus on keeping the fair roads from deteriorating into the poor category.

9. WHY SHOULD I BE CONCERNED SINCE MY ROAD IS IN GOOD OR FAIR CONDITION?

In 2009, about 34% of subdivision roads were in poor condition, and 66% of subdivision roads were in fair or good condition. However, they are getting worse every year without attention. Over the next five years, most of the currently good roads will become fair, fair roads are likely to be in poor condition, and the cost of fixing them will be much higher.

It is much more cost effective over the long run to keep a road in fair or good condition than it is to let it deteriorate to a point where total reconstruction is required.

10. WHY DO WE HAVE THIS PROBLEM?

Since the adoption of the Boulder County Comprehensive Plan in 1978, it has been county policy not to provide urban services and to direct urban development to cities and towns that are better equipped to provide such services more efficiently. As a result, the county has not taxed residents for the money required to repave or reconstruct local roads that exist in the more than 100 platted subdivisions in unincorporated Boulder County.

In the past, a few subdivisions (most notably Gunbarrel in 1995) have voted to create an improvement district to resurface their roads. However, most subdivision paved roads have not been resurfaced since they were first built 15 to 20 years ago.

11. AREN'T I ALREADY PAYING TAXES TO THE COUNTY FOR ROAD MAINTENANCE AND REPAIR?

Yes. However, since we do not have sufficient funds to maintain and rebuild all our roads at the highest levels, we must make choices. We focus our funds on those facilities that serve the most people and provide critical regional connections. As a result, while we provide varying levels of maintenance on all county roads (including in subdivisions), we do not have the funds to repave and rebuild subdivision roads.

Each year the county receives approximately \$15 million in tax revenue for transportation purposes. Roughly 95 percent of these funds are allocated to maintain, resurface, reconstruct and operate the 643 miles of paved and gravel county roads, with the rest supporting improved transit service between our communities and administrative and planning activities.

Currently, the average homeowner in a subdivision in the unincorporated county pays about \$8.37 per year in property taxes to the Road and Bridge Fund, yet receives about \$79 per year in services such as snow plowing, pothole patching, crack sealing and sidewalk repairs from that fund.

In addition to the property tax, the county receives funding from the state gas tax, auto registration fees and taxes, county sales tax and a small amount of funding from the county General Fund. State and federal grants (which the county occasionally receives) and sales tax revenue can only be used for specified projects.

Of the \$15 million in revenue the county anticipates receiving in 2010, about \$11 million will be used for the ongoing maintenance and reconstruction (such as snow plowing, grading gravel roads, pothole patching, cleaning culverts, repairing guard rail, replacing and repairing bridges, and repaving roads etc) of the existing county transportation system. The remaining \$4 million in

revenue comes primarily from the county transportation .01% sales tax for transportation, which can only be used for specific purposes that were approved by the voters in 2001 and extended in 2007. Many of these sales tax projects add shoulders to county roads, and improve the pavement quality of the county road system. Since 2001 approximately 54 miles of county roads have been resurfaced with revenue from the sales tax.

The cost to bring all the paved subdivision roads up to a good rating over the next five years is close to \$22 million, or \$4.4 million per year; which is about one third of the current annual county transportation budget. We cannot divert this amount of funding from other transportation purposes to paving of subdivision roads without severely impacting the mobility and safety of our critical county facilities.

12. THE COUNTY “ACCEPTED THESE ROADS FOR MAINTENANCE” WHEN MY SUBDIVISION WAS BUILT. DOESN’T MAINTENANCE INCLUDE RESURFACING AND RECONSTRUCTION OF ROADS?

Maintenance generally includes activities to address the immediate health and safety needs of the public, such as clearing snow, patching potholes, cleaning ditches, restriping roads etc. Maintenance has not been defined to include significant capital projects, such as major resurfacing or reconstruction of roads, replacing bridges and minor structures, replacing guard rail, etc.

13. WHAT OPTIONS ARE THERE TO PAY FOR THE RESURFACING OF COUNTY SUBDIVISION ROADS?

The Commissioners could change priorities and divert funds from other purposes to the paving subdivision roads. There are also a number of options available to increase revenue to pay for subdivision road related expenses. Some of these options would require voter approval by all county voters, including those in the cities, while others would only require approval by affected property owners. Only a Local Improvement District without public borrowing could be created without a vote. Though the County Commissioners have the authority to create a Local Improvement District, they have never done so without a significant demonstration of support.

Only Congress can increase the federal gas tax and only the state legislature has the authority to increase vehicle registration fees or to place on the ballot a proposal to increase the state gas tax.

Below is a summary of possible mechanisms available to raise revenue and/or finance the rehabilitation of subdivision roads.

Summary of Possible Financing Mechanisms

Mechanism	One Time Funding	Ongoing Funding	Public Vote	Admin. Complexity
Increase Property Tax for Transportation		X	All County Voters	LOW
Increase Sales Tax for Transportation		X	All County Voters	LOW
Local Imp. District - Bonding	X		Property Owners within District	HIGH
Local Imp. District - No Bonding	X		County Commissioners/ Significant Public Support	LOW
Public Imp. District - Bonding		X	Property Owners within District	HIGH
Public Imp. District – No Bonding		X	Property Owners within District	LOW
Increase Gas Tax	Only the state legislature can place an increase in gas tax on the ballot for statewide voter approval. Only congress can increase the federal gas tax.			
Increase vehicle registration fees	Only the state legislature can increase vehicle registration fees.			

14. DOESN'T THERE NEED TO BE A PUBLIC VOTE?

A public vote is required to increase the state gas tax, property tax, the sales tax, create a public improvement district, or for any public borrowing. Though the County Commissioners have the authority to create a Local Improvement District, they have never done so without a significant demonstration of support.

15. WHY ARE SUBDIVISION PROPERTY OWNERS BEING ASKED TO PAY FOR THIS; SHOULDN'T ALL COUNTY TAXPAYERS CONTRIBUTE TO THEIR UPKEEP?

The Boulder County Comprehensive Plan provides policy direction to the County on many issues. Policy TR 5.02; which, since 1995, provided specific policy direction for use of Road and Bridge revenues for repair of

county roads:

“Priority shall be given to the rehabilitation of the county’s arterial and collector roadways through the use of Road and Bridge revenues. Local access roadways, within developed areas or roadways that serve special interests such as industrial development, shall be rehabilitated through special assessments or other funding mechanisms. Primary funding responsibilities shall be assigned to the users benefiting from these improvements.”

Consistent with the Comprehensive Plan guidance, the County has focused its available road and bridge funds on the resurfacing and reconstruction of the primary roads and bridges in the County and providing snow removal, pothole repair, and other “life-safety” activities on all county roads, including those in subdivisions. Generally, the County has not funded resurfacing of subdivision roads. In the past, local property owners have paid for resurfacing of subdivision roads through a local or general improvement district.

This past December the County Planning Commission updated the Transportation Element of the Comprehensive Plan, however the general policy direction has not changed. The relevant policy direction in the updated Comprehensive Plan is included in Policy:

TR 3.01: “In order to benefit the most people, and connect all parts of the County, give priority to improving mobility in, and the maintenance and rehabilitation of, the County’s arterial and collector transportation collector corridors.”

and:

TR 7.01: Allow for special assessments to fund transportation improvements to the properties that specially benefit from such improvements, such as subdivisions or commercial, institutional, private recreational, or other benefited development. Funding mechanisms may include special assessments or other appropriate revenue-generating programs.

16. WHO IS THE SUBDIVISION PAVED ROAD WORK GROUP, HOW WERE THEY SELECTED AND WHOM DO THEY REPRESENT?

Last August, the Board of County Commissioners asked the Transportation Department to convene a working group of subdivision homeowner associations and other organization representatives to:

- Review relevant information

- Discuss options for addressing paving of subdivision roads, and
- Recommend appropriate next steps to address this issue.

Invitations to participate in the work group were sent to all homeowner associations of subdivisions with paved roads for which we had contact information, as well as to others who expressed interest in participating, including members of the public who had contacted our Transportation Department with concerns or complaints about their roads. In addition, the invitation to participate was advertised on the county website and submitted to the local media.

Between 15 and 25 people participated in each meeting. The group met from September through December for many hours to review background information regarding the current condition of subdivision roads, the policies and budget of the Boulder County Transportation Department, and different ways to address this need. The work group released its findings in December. The material presented to the work group, summaries of its meetings, and its findings can be found at: <http://www.bouldercounty.org/transportation/SubdivisionPaving.htm>

17. WAS THE PUBLIC NOTIFIED ABOUT THE WORK GROUP MEETINGS?

The work group meetings were held monthly from September through December, were open to the public, and were announced in the Boulder Daily Camera and Longmont Times-Call. The county public information office released news of the meeting to all local print and radio news outlets and featured meeting notices on the county's website.

18. WHAT CONCLUSIONS DID THE WORK GROUP REACH?

Approach Recommended by the Work Group

After significant discussion of the above alternative scenarios, the general direction of the group was that the preferred approach to addressing the deterioration of subdivision roads as well as unincorporated local paved roads should include the following characteristics:

- There is an immediate need to initiate a systematic resurfacing program for paved subdivision roads.
- A county match to provide an incentive to support local contributions from affected property owners and to recognize that subdivision roads play an integral role in the county transportation system.
- A long term funding solution for on-going maintenance and resurfacing should be an integral part of any approach, so that in 10 years, the county is not finding ourselves in a similar position.
- The annual charge (either through an LID or a PID, or some combination) should be on average in the \$200/year per parcel range.

One conceptual approach that appears to meet these criteria is a hybrid of the alternatives discussed above:

- A significant county match from existing funding sources.
- Adoption by the Board of Commissioners in 2010 of a paved road subdivision Local Improvement District for 5 years that would be in the \$200/year per parcel range.
- Placement on the ballot of an unincorporated county local road (including subdivisions) Public Improvement District that includes properties that use local paved road for access to fund a permanent ongoing unincorporated local road resurfacing program (mill levy/average cost per parcel to be calculated).

The work group released its findings in December. All the material presented to the work group, summaries of its meetings, and its findings can be found at:

<http://www.bouldercounty.org/transportation/SubdivisionPaving.htm>

19. WHAT ARE THE NEXT STEPS; AND HOW WILL THE PUBLIC BE HEARD?

The findings of the work group are only the first step in the process of determining how to address the issue of deteriorating subdivision roads, and they give us a starting place to have a broader discussion of this issue. The Commissioners and the Subdivision Work Group are having work session on March 4 at 3pm. Since this is a work session, no public comment will be taken, however the session will be webcast and can be viewed online at: <http://video.bouldercounty.org/archive/liveVid.asp>