

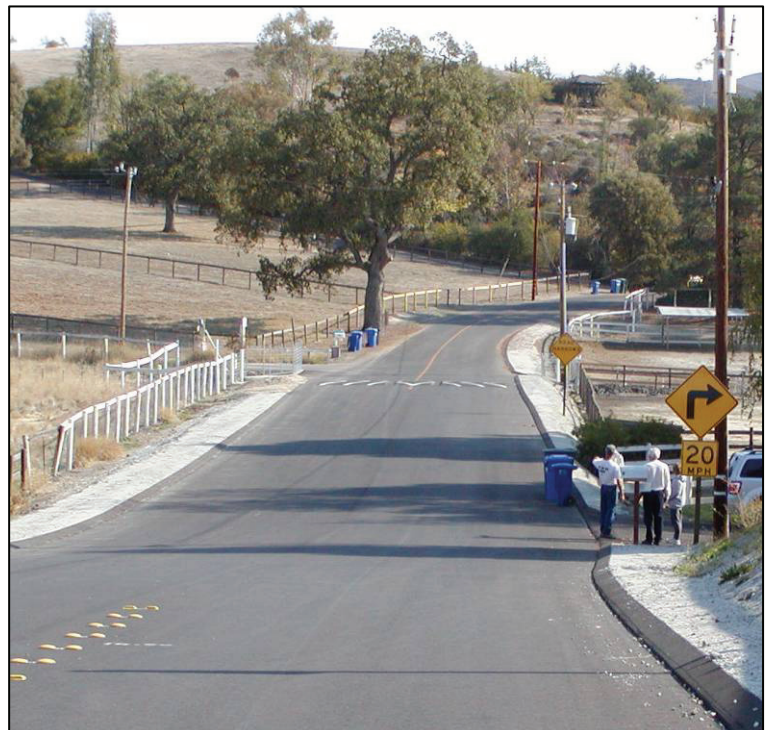
SANTA MARGARITA ROAD PROJECT (ATASCADERO)

PROMISES, PROMISES

INTRODUCTION

In 2006, residents and property owners contacted their County Supervisor requesting improvements to Santa Margarita Road from Norte Road to Abieto Road in Atascadero. After receiving the request for the road improvements, the Supervisor asked Public Works to investigate what could be done to address the proposed road improvement project.

The San Luis Obispo County Department of Public Works (Public Works) is responsible for providing services related to safe and efficient movement of traffic on the 1310 miles of county maintained roadways. After completing the required feasibility study, Public Works notified residents and property owners on August 29, 2006 about the proposed Santa Margarita Road Project.



Looking East on Santa Margarita Rd. - Photo by Rich Ivie

The Santa Margarita Road Project (Project) was intended to overlay and improve a short section of Santa Margarita Road, approximately 1100 feet, from Norte Road to Abieto Road in Atascadero. The Project also included paving a short section of the roadway (approximately 300 feet) that was a dirt road.

Not all residents and property owners were in favor of the proposed road project and they expressed their concerns numerous times to their Supervisor and to Public Works officials. The Santa Margarita Road Project was accepted by the Board of Supervisors (BOS) under Resolution # 2007-136 on April 3, 2007. At this meeting, there was no discussion regarding concerns expressed by the residents and property owners about the Project. The Project was completed on August 27, 2007.

ORGIN/PURPOSE

The 2007-2008 Grand Jury received a citizen complaint expressing concerns about safety and potential drainage problems at La Pradera Road resulting from the road project. After the road project was announced, numerous meetings were held and many letters were written to the District's Supervisor and officials of Public Works expressing concerns about the Project. The Jury decided to evaluate the concerns expressed by residents and property owners to determine their validity and how effectively Public Works had addressed those concerns.

METHOD

As part of its investigation, the Grand Jury did the following:

- Interviewed seven residents / property owners regarding the Santa Margarita Road Project.
- Interviewed four Public Works officials responsible for the Project.
- Interviewed the Supervisor who recommended that Public Works consider the Project.
- Reviewed Board of Supervisors minutes of April 3, 2007, and Resolution # 2007-136 accepting the Santa Margarita Road improvements, into the county maintained road system, 5th District.
- Reviewed the construction site plans and right-of-way boundaries for the road project.

- Visited the Santa Margarita Road Project site on several occasions.
- Took photographs of the Santa Margarita Road sections in question.
- Reviewed correspondence from Public Works to residents and property owners.

NARRATIVE

Time Line of Events:

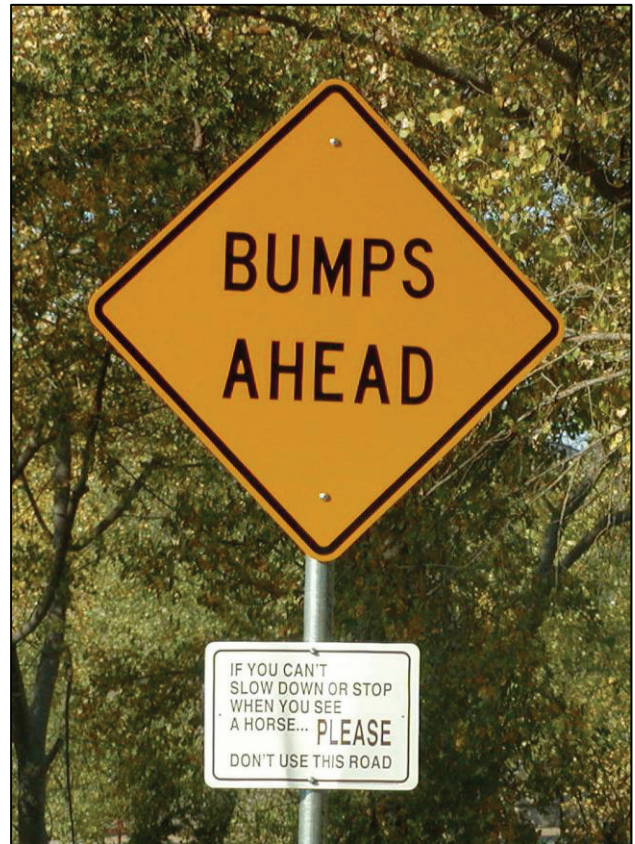
- **August 29, 2006** - Public Works notified residents and property owners about the proposed Santa Margarita Road Project.
- **February 2, 2007** – Public Works sent a letter to residents and property owners scheduling a field meeting on February 14, 2007 to discuss the Santa Margarita Road Project and solicit input from those attending the meeting.
- **February 14, 2007** – A field meeting was held at the Santa Margarita Road Project site. Those attending the meeting included approximately 20 residents and property owners, representatives from Public Works and the District’s Supervisor. The major concerns expressed by the residents related to pedestrian safety, the need for a four-foot (4 ft.) shoulder on the northern side of the road (the easterly 300 feet), drainage and speed control.
- **February 28, 2007** – Public Works sent a letter to the residents and property owners summarizing the results of the February 14th meeting. Among the items in the letter was a commitment by Public Works to install the requested shoulder adjacent to the roadway on the northern side.
- **April 3, 2007** – The San Luis Obispo County Board of Supervisors approved the Santa Margarita Road Project.
- **August 27, 2007** – The Santa Margarita Road Project was completed.
- **June 29 – September 6, 2007** - During and after project construction, numerous letters and emails were sent to Public Works officials and the District’s Supervisor reminding them about their commitment to put in a shoulder on the northern side of the road. To date, the 4 ft. shoulder on the easterly 300 feet of the project has not been installed and

there has been no communication to residents and property owners from Public Works to explain why.

The Residents' and Property Owners' Primary Concerns:

Before and during the road construction, Public Works solicited public feedback from the residents and property owners affected by the Project. The field meeting held at the project site on February 14, 2007 was the primary forum for residents to express their views and concerns about the Project. It was at this meeting that Public Works officials agreed with residents that a 4 ft shoulder should be included as part of the Project on the northern side of the roadway (residents believed this would include the easterly 300 feet previously un-paved). Public Works reiterated its commitment in a letter dated February 28, 2007 to residents and property owners in the Santa Margarita Project area.

All of the residents and property owners interviewed believed that the shoulder was a safety issue, that the proposed shoulder would provide a safety zone for those walking along the roadway, and would furnish access to a number of mailboxes on the north side of the road. They also believed that the addition of the 4 ft. shoulder was agreed to by Public Works officials after the field meeting and was confirmed in a letter two weeks later. When Public Works recommended that the Board of Supervisors approve the resolution to accept the Santa Margarita Road Project on April 3, 2007, it cited a number of benefits, including: providing an improved shoulder for pedestrian and equestrian use. **However, the 4 foot shoulder has not been installed on the easterly 300 feet of the roadway.**



Sign on Santa Margarita Rd. - Photo by Rich Ivie

Based on its investigation, the Jury concluded that the drainage issue identified in the original complaint was not a problem. The Jury's conclusion was validated after the heavy rains in January and February of 2008, when La Pradera Road did not experience any drainage problems.

Speed bumps were installed as part of the Santa Margarita Road Project (although some residents believed the speed bumps were placed in the wrong locations).

Public Works' Position on the Shoulder Construction:

The Public Works Department's position is that the shoulder on the easterly 300 feet cannot be added to the project for the following two reasons:

1. **Space:** Public Works stated that property lines and fences are encroaching into the proposed space required to construct the 4 ft. shoulder. Based on the Grand Jury's review of the project drawings, the County Streets and Highways Codes, and a legal interpretation of County right-of-way law, **we do not believe that the Public Works space argument is valid because:**
 - The code states that "the term *highway* includes all or any part of the entire width of right-of-way of a county highway, whether or not such entire area is actually used for highway purposes".
 - In this case, the County right-of-way extends far beyond the area needed for the 4 ft. shoulder.
 - The code also states that "if a fence or other physical structure does encroach into the County right-of-way, the Director of Public works may issue an encroachment permit under Chapter 5.5 of Division 2 of the Streets and Highways Code". The code also states: "that the Director of Public Works may immediately remove, or by notice may require the removal of an encroachment which obstructs or prevents the use of a county highway by the public".

2. **The Safety Issue:** People walking on the proposed 4 ft. path would have to cross the road at La Pradera to access the pathway. There is a blind corner just before La Pradera Road traveling west on Santa Margarita Road. This situation eliminates the possibility of

installing a marked crosswalk at this location due to safety concerns according to Public Works.

During the Santa Margarita Road Project, residents and property owners raised a number of issues and concerns. Most of the concerns have been addressed, corrected or dismissed by Public Works. The major remaining outstanding issue, the construction of a shoulder, has yet to be resolved to the satisfaction of several residents and property owners living in the area of Santa Margarita Road.

FINDING

Public Works made a commitment, in writing, to residents and property owners to include a 4 ft. shoulder as part of the Santa Margarita Road Project. To date the shoulder has not been installed on the easterly 300 feet of the roadway. Further, there has been no communication from Public Works officials to residents and property owners as to why the 4 ft. shoulder has not been constructed.

RECOMMENDATION

Public works should either honor its commitment to construct the shoulder beginning at La Pradera Road and continuing to the mailboxes on the north side of Santa Margarita Road **or** provide the residents and property owners with a valid written explanation as to why the shoulder should not be installed. (See Finding)

REQUIRED RESPONSES

A Response to the recommendation is required from both of the following:

- San Luis Obispo County Department of Public Works
- San Luis Obispo County, Board of Supervisors

All responses shall be submitted to the Presiding Judge at the San Luis Obispo Superior Court by **October 14, 2008**. Please provide a copy to the Grand Jury as well. The mailing addresses for delivery are:

Presiding Judge	Grand Jury
Presiding Judge Martin Tangeman Superior Court of California 1035 Palm, Room 385 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403