



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council

**Date:** August 9, 2016

**From:** Brad Miller, Town Engineer  
Engineering Department

**Item No:** 9

**Subject:** DISCUSSION ON PRIVATE ROADS

**T.M. Approval:** \_\_\_\_\_

**Budgeted Item:**  Yes  No  N/A

### RECOMMENDED ACTION:

Receive and File.

### SUMMARY:

In response to Council inquiry, staff has investigated why the Town of Apple Valley does not maintain certain private roadway segments within Town jurisdiction. The Town of Apple Valley and the surrounding County unincorporated areas, include a relatively small number of improved roads that are not part of the publicly-maintained roadway system (and are not part of a master-planned private community). Many of these existing improved roads may someday become publicly-maintained roads, but for a number of reasons, they were not accepted into the Town or County Maintained Roadway Network when the roadway was initially constructed. Local roadway improvements are generally driven by development and the improvements are typically funded by the development activity on the adjacent properties. Roads are incorporated into the Town's Maintained Roadway Network when a private party (such as a developer) constructs or improves a roadway to meet current Town standards. Once the improvements are completed and inspected by the Town, the Town Council may formally accept the dedication of public right-of-way and the improvements and thus assume the maintenance responsibility for the upkeep of the new roadway.

### BACKGROUND:

The Town requires appropriate paved access for all new subdivisions and commercial developments. After the improvements are complete, the roadway can be offered to the Town for inclusion into the maintained roadway system. A precursor to the Town's acceptance of any improved segment of roadway is the voluntary, (no cost to the Town), dedication of public right-of-way to the Town from the adjacent land owners, and the construction of full roadway improvements to meet current Town Standards. For the few existing improved roads in Apple Valley that are not included in the Town Maintained Roadway Network, either no formal dedication of right-of-way has been offered, or the

improvements to the roadway were not completed to Town Standard. In some cases, such as John Glenn Road and Town Center Drive, right-of-way dedication has been offered and accepted by the Town, but that acceptance is subject to roadway improvements being constructed to Town Standard. At these two (2) particular locations the roadway improvements were not constructed to Town Standards and thus the roadways were never accepted by the Town Council for inclusion into the Maintained Roadway Network.

The Town already has approximately 450 miles of publicly maintained roads and expends significant resources annually to maintain those improved roads. The level of maintenance care is dictated by available funding, and funding is generally considered marginally adequate at best. As a matter of policy, the Town cannot expend scarce roadway maintenance resources to complete improvements on a "private" roadway in order to bring it up to Town Standard and accept it into the Maintained Roadway Network. One misconception that some property owners have is that they are already paying for roadway improvements by virtue of paying their property taxes. Property taxes are used for many purposes including education, fire and police protection, but property taxes are not used to pave or maintain roads.

Purchasers of property should always investigate to see if the road serving a parcel of interest is maintained by the Town. If the road is not in the maintained roadway network, the purchasers must realize that they are responsible for maintenance of the road and that maintenance obligation should be reflected in the property value.

To summarize, if a road or section of road is not in the Town's Maintained Roadway Network, by law (California Streets and Highway Code, Section 2150), the Town is not allowed to do any maintenance or repair work. Any maintenance or repair work on private roads is the responsibility of the respective property owners along that road. The Town cannot pave or repair roads that are not in the Town's Maintained Roadway Network using Public Transportation Funding. The Town's policy is consistent with California State Law and consistent with San Bernardino County Public Works Department Policy.

**FISCAL IMPACT:**

None.