



Riverside County

Connecting our
Communities

2020



PUBLIC INFORMATION ON
MAINTENANCE AND IMPROVEMENTS
OF NON-COUNTY MAINTAINED
ROADS



FOR USE IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

County Administration Center
4080 Lemon Street
Riverside, CA 92501

TABLE OF CONTENTS

YOU HAVE A ROAD IN NEED OF REPAIR, CAN THE COUNTY REPAIR IT?.....	1
WHAT TYPE OF ROAD DO I HAVE?	1
STATE/FEDERAL HIGHWAYS	1
COUNTY MAINTAINED HIGHWAYS/ROADS1
OTHER PUBLIC ROADS	1
PRIVATE ROADS	1
I HAVE DETERMINED THE ROAD CLASSIFICATION. NOW WHAT?1
COUNTY MAINTAINED HIGHWAYS/ROADS.....	.2
REPAIR/MAINTENANCE2
PUBLIC ROADS.....	.2
REPAIR/MAINTENANCE2
WE ARE PREPARED TO FINANCE OUR OWN ROAD IMPROVEMENTS. HOW DO WE GO ABOUT IT?2
COUNTY SERVICE AREAS (CSA).....	3
WHAT TYPES OF IMPROVEMENTS MAY BE FINANCED WITH A CSA?	3
HOW IS THE CSA BUDGET AND PARCEL CHARGE DETERMINED?	4
HOW IS A COUNTY SERVICE AREA CREATED?	4
HOW MUCH TIME AND COST ARE INVOLVED?	5
IMPRACTICAL USES OF COUNTY SERVICE AREAS.....	5
CSA CONTACT INFORMATION	5
PRIVATE ROADS	5
APPENDIX A • CONTACT	A1
APPENDIX B • ROADWAY DEDICATION PROCEDURES	B1
APPENDIX C • CALIFORNIA CIVIL CODE SECTION 845	C1

YOU HAVE A ROAD IN NEED OF REPAIR, CAN THE COUNTY REPAIR IT?

You live on or near a non-County maintained road in need of repairs and/or improvements and you want it improved. This pamphlet will help you understand what support services are available for road maintenance and betterments. Specifically, this document will provide answers to some common questions about County roads and provide some basic guidance for maintenance and/or betterments. Maintenance is the repair or upkeep of an existing roadway facility such as grading a dirt road, patching a pothole, or resurfacing an existing paved road. Betterments are the construction of a new road segment, or paving of a dirt road.

WHAT TYPE OF ROAD DO I HAVE?

It is critically important to understand the type of road you wish to improve. The options available for maintenance and/or betterments are dependent on the type of road you live on or near.

There are four types or classes of roads in the County: State/Federal highways, County-maintained Highways/Roads, Private Roads and Other Public Roads.

STATE/FEDERAL HIGHWAYS: These roads are maintained by the State Department of Transportation (Caltrans) and consists primarily of freeways such as I-10 or SR86. Some rural Federal roads can be operated and maintained by the United States Forest Service and the Bureau of Land Management.

COUNTY MAINTAINED HIGHWAYS/ROADS: These roads have been made a part of the County's Maintained Road System by formal action of the County Board of Supervisors. The County is responsible for building, operating and maintaining these roads. Many local and residential roads in the County are located within City limits and the maintenance of these roadways is the responsibility of the City if they are part of the City's maintained road system.

OTHER PUBLIC ROADS: There are hundreds of miles of non-county maintained roads in the County that are expressly or impliedly accepted for public use and defined as County Highways/Roads (Public Roads) and the public has the right to travel on these roads. The County does not maintain such public roads, per the Streets & Highways Code, Section 941(b).

PRIVATE ROADS: are those used solely by the owner of the property and individuals who have been granted easement rights therein. The general public does not have authority to use private roads and they are privately maintained. These roads may be associated with condominiums or planned residential development or may simply be a dirt road created for private use. The public does not have the right to travel on these roads without the permission of the underlying property owners.

I HAVE DETERMINED THE ROAD CLASSIFICATION. NOW WHAT?

The maintenance and improvement responsibility and options for each road classification are discussed in greater detail in the sections that follow. Proceed to the section matching the classification of your road segment for additional information and assistance.

If you are unsure of your road type, you can find out by calling the Transportation Department at (951) 955-6880 or by coming to the Transportation Department public counter located at the County Administrative Center, 4080 Lemon Street, in downtown Riverside.

COUNTY MAINTAINED HIGHWAYS/ROADS

REPAIR/MAINTENANCE of County highways and traffic control devices (signs and signals) is the responsibility of the County Transportation department. You can obtain repairs by simply calling the Transportation Department and requesting that a repair report be entered or repair requests can be made online at [RCTLMA.org/trans/road-maintenance/road-repairs](https://rctlma.org/trans/road-maintenance/road-repairs) or using our Mobile App, RivCoMobile and making a service request. Repair reports are logged and distributed to maintenance crews for repairs. Please be prepared to provide the following information regarding the needed repairs.

- Name of the road and general location of the repair
- Cross streets in the vicinity
- Your name, phone number and address
- Description of the needed repairs

Improvements and Betterments that are beyond normal maintenance or repairs, such as paving a dirt road can be accomplished as funding permits. The safety and maintenance of County Maintained Highways/Roads and existing infrastructure are the priority and the duty of the County. For a list of active county road projects go to rctlma.org/trans/project0information/TIP to see our Transportation Improvement Program.

PUBLIC ROADS

Other Public Roads are maintained by those people who live or own property adjacent to the road. These property owners can be held liable for deficient conditions. The public has the right to use these roads for general travel and property owners are obligated to preserve the right for the public to travel these roads. Travel on these roads by the public may not be prohibited by physical blockage. Dispute resolution between abutting property owners where the public access is affected is a civil matter between private parties. The County does not have jurisdiction over such roads.

REPAIR/MAINTENANCE of Other Public roads cannot be performed using County road funds (i.e. State Gas Tax), but may be maintained with special assessment revenue generated through a County Service Area. The California Civil Code requires the cost of maintenance for both the private and other public roads to be shared equitably by the landowners benefiting from those roads. Lacking a formal agreement between landowners, the Code requires an equal share contribution from each landowner. A copy of the applicable Civil Code is provided in [Appendix C – California Civil Code – Section 845](#).

WE ARE PREPARED TO FINANCE OUR OWN ROAD IMPROVEMENTS. HOW DO WE GO ABOUT IT?

The property owners in an area may desire to unite together and contact a private contractor to perform the necessary work or perform the work themselves. This is generally the cheapest and fastest solution,

and provides the affected property owners the most flexibility in designing a solution that meets their needs.

A grading permit would have to be secured if more than 50 cubic yards of earthwork is involved and an encroachment permit would be required for the tie-in to the County maintained portion (or with Caltrans for the tie-in to a State Highway). The work performed may be as simple as running a grader over a dirt road or as complex as the complete construction of a new paved road. Typically, this type of an improvement will continue to be maintained by the abutting property owners.

It is, however, possible for property owners to construct improvements using private contractors and ultimately have the improvements accepted into the County Maintained Road System. To be eligible for acceptance, the additional requirements listed below must also be met:

- Roadway improvements must be built to County Standards (Note: County Road Improvement Standards are available on the Internet at the following address: www.tlma.co.riverside.ca.us/trans/ord461index.html (Hard copies can also be obtained from the County for a fee to cover copying costs.)
- Engineering plans must be prepared by a registered civil engineer retained by the proponents and the plans must be approved by the Transportation Department.
- Construction must be inspected by the Transportation Department.
- Compliance with all State and federal environmental regulations is required.
- The Board of Supervisors must approve the acceptance of the road into the County Road System.

Once accepted into the County Maintained Road System, the County becomes liable and responsible for ongoing maintenance.

COUNTY SERVICE AREAS (CSA)

The County can assist the general public with road maintenance through the formation of a County Service Area (CSA). A County Service Area (CSA) is a special taxing district empowered to provide specific services within a specified boundary. The tax rate is set by vote of the people within the boundaries of the service areas. CSA's are administered by the County, with policy being set by the Board of Supervisors. In Road CSA's such policy is set following recommendations from a local advisory committee.

WHAT TYPES OF IMPROVEMENTS MAY BE FINANCED WITH A CSA?

A CSA may be established to provide such services as: street lighting; road improvements and maintenance; parks and recreation; water and sewer service; and many others. If one of the authorized services is road improvement/maintenance, the local advisory committee, working with the County Economic Development Agency, develops a long-range plan for road improvements. It is the policy of the Board of Supervisors that such plans have as their goal the improvement of roads to the County standard, so that they can ultimately be taken into the County Maintained Road System. In most cases, however, some portion of funds generated by the CSA is committed to ongoing maintenance (grading, patching, flood damage repair, etc.) of the existing roads while the long-range road improvement plan is being implemented.

HOW IS THE CSA BUDGET AND PARCEL CHARGE DETERMINED?

Per Board of Supervisors policy, each Road CSA must have a Board approved multi-year plan for road improvement. This is typically developed by the local advisory committee, in consultation with the County Economic Development Agency. Historically, Road CSA's have operated on a pay-as-you-go basis, completing one or more road projects per year, with such work constrained by the amount of money that could be raised through a fixed assessment per property (parcel charge). The parcel charge is determined by an Engineer's Report that balances the potential cost of needed road improvements with the number of parcels that will be included in the proposed CSA boundary. This assessment will then be approved by the Board of Supervisors.

The proposed assessments must be voted on by the affected property owners within the proposed CSA boundary through a special election. In such a procedure, if the proposed assessments fail to receive a super majority, more than 2/3 of the weighted ballots cast, the assessment is defeated.

CSA assessments are paid annually until enough money is collected to build the next priority project from the long-range improvement plan. In other words – "Pay-as-you-go." Although the annual CSA assessment can be renewed by the Board of Supervisors without property owner approval, sufficient disenchantment by property owners could trigger a petition drive to abolish the assessment. If twenty-five percent of the registered voters sign such a petition, a special election may be held to determine if the special assessment shall continue.

HOW IS A COUNTY SERVICE AREA CREATED?

It is the policy of the Board of Supervisors that a CSA shall be formed only when it is important to the health and safety of residents, and when it is supported by a majority of the registered voters/property owners who have clearly demonstrated a desire and willingness to pay for an increased level of county service.

Typically, a group of interested residents discuss the idea of forming a CSA with the County Supervisor who represents their community. This discussion will entail identification of proposed boundaries, the anticipated road improvement program, and an estimate of cost and potential parcel charge to property owners. Usually, the interested residents will evidence support of their proposal by means of a petition signed by twenty-five percent of the registered voters within the proposed boundary. The County may then convene a review committee to provide a recommendation to the Board of Supervisors as to support, or not support, the proposal when it goes before the Local Agency Formation Commission (LAFCO).

LAFCO is a governmental authority which determines the appropriateness of creating, amending, or dissolving political jurisdictions such as cities and special districts. A CSA is a Board of Supervisors-governed special district. LAFCO will undertake a comprehensive review of the proposed CSA, will conduct public hearings, and will make a decision. If that decision is to create the CSA, then the Board of Supervisors will act as the "conducting authority" to authorize the creation and establishment of a supporting parcel charge (assessment). An important part of this process will be the majority protest procedure discussed previously, where an assessment will need to be approved by property owners pursuant to the requirements of Proposition 218.

HOW MUCH TIME AND COST IS INVOLVED?

When the above processes are completed and a new CSA is created, the assessment will take effect for the following budget year, beginning July 1, with the assessment being collected the following December and April. Thus, the time required from the conception of a CSA by concerned residents to actual establishment and beginning of road improvements can be greater than a year. In terms of cost, it is estimated that the combined LAFCO procedures, the Engineer's Report, and the special election will require an outlay between \$10,000 and \$35,000 by interested residents to establish a small Road CSA.

IMPRACTICAL USES OF COUNTY SERVICE AREAS

In addition to the cost and time required to form a CSA through the Local Agency Formation Commission (LAFCO), there are now the costs of an Engineer's Report and a majority protest procedure to bear. There is also the possibility that a long range, pay-as-you-go plan to upgrade a number of public roads may fall short of its goals once the majority of property owners have seen its roads improved.

For these reasons, communities with simple improvement projects or road maintenance needs should take a hard look at: (1) privately constructing their roads, to get the job done cheaply and quickly; (2) forming a homeowners' association or utilizing an existing one.

CSA CONTACT INFORMATION

CSA's are administered by the County Economic Development Agency (EDA). Further information regarding CSA's may be obtained by contacting the CSA Administrator at the phone number and/or location provided in Appendix A – Contacts.

PRIVATE ROADS

Private roads are owned, operated, and maintained by the owner of the underlying property of which the road lies on. A private road may become a public road if it is dedicated to the county and accepted for public use. However the road would continue to be the responsibility of the property owner to maintain unless it is built to County Standards, inspected, and accepted into the County Maintained Road System, or a CSA is formed for the purpose of on-going maintenance and/or improvements/betterments. A discussion of these options follows under Other Public Roads.

The dedication process is described in [Appendix B – Roadway Dedication Procedures](#). Once dedicated, the funding options described in the Other Public Roads section will apply.

Appendix A – Contacts

County Service Areas

Riverside County Economic Development Agency

Community and Cultural Services Division

(866) 810-0255

CSDservice@rivco.org

RivCo Mobile App

Report a problem using your mobile device

Go to RivCoMobile – Service Request

Repair Requests (County Maintained Highways/Roads)

(951) 955-6899

Riverside County Transportation Department

2950 Washington St.

Riverside CA 92504

Right-of-Way Dedications

Riverside County Survey Department

(951) 955-6700

Riverside County Transportation Department

4080 Lemon St. 8th Floor

P O Box 1090

Riverside CA 92502-1090

Road Improvement Standards and Road Standards/Ordinance 461

www.rctlma.org/trans/land-development/road-standards

(951) 955-6880

Riverside County Transportation Department

4080 Lemon St. 8th Floor

Riverside CA 92502-1090

County Road Projects

www.rctlma.org/trans/project-information/TIP

www.rcprojects.org

APPENDIX B - ROADWAY DEDICATION PROCEDURES

Procedure for processing grants of easements and declarations of dedication required by the transportation department and/or flood control as conditions of approval for:

TRACTS, PARCEL MAPS, PLOT PLANS AND OTHER CONDITIONED CASES

All documents will be prepared, processed, and recorded by the Transportation Department, Survey Division, and Right-of-way Section.

Legal Descriptions and Plats for easements required for Flood Control must be approved by Flood Control prior to processing by the Right-of-way Section.

Legal Descriptions and Plats for slope or drainage easements required to accommodate street signs, must be approved by the "Transportation Planning and Development Review Division" prior to processing by the Right-of-way Section.

The following items are to be submitted by the engineer or applicant to the Right-of-way Section.

NOTE: All items submitted must include the case or map number. Any documents or attachments for recording must be 8"x11" in size, this includes jurats.

1. Legal description for the area to be dedicated or conveyed
2. Plat no larger than 8 1/2"x11" in size with the easement indicated by a distinctive border or crosshatching
3. Legal description and plat must be "WET SIGNED" and "SEALED" by a qualified Engineer/Surveyor
4. A current (within 1 month) Title Report or Lot Book report
5. A copy of the Grant Deed

NOTE: All holders of record title interest, WHICH MAY INCLUDE PERSONS OTHER THAN THE PROPERTY OWNER, will be required to sign grants of easement and declarations of dedication. Documents executed in conjunction with a Tract or Parcel Map will require the same signatures as the map.

IN ADDITION: A copy of the statement of partnership, articles of incorporation, or corporate resolution indicating those officers/individuals authorized to sign legal documentation on their behalf may be required for documents executed by Banks, Corporations, Partnerships, etc.

The Right-of-way Section will prepare an easement document for signatures and notify the engineer and/or applicant.

It is the responsibility of the engineer and/or applicant to have the document executed, notarized (including jurat), and returned to the Right-of-way Section for acceptance by the Board of Supervisors and recordation.

For assistance or further information, contact the Right-of-way Section at (909) 955-6700.

COUNTY OF RIVERSIDE • TRANSPORTATION DEPARTMENT • RIGHT-OF-WAY SECTION

Appendix C • California Civil Code Section 845

§845 Private Easement Maintenance by Owner of Easement or Land Easement Attached to – Apportionment of Cost – Actions

(a) The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.

(b) If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose. If any owner who is a party to the agreement refuses to perform or fails after demand in writing to pay the owner's proportion of the cost, an action for specific performance or contribution may be brought against that owner in a court of competent jurisdiction by the other owners, either jointly or severally.

(c) In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

Any owner of the easement, or any owner of land to which the easement is attached, may apply to any court where the right-of-way is located and that has jurisdiction over the amount in controversy for the appointment of an impartial arbitrator to apportion the cost. The application may be made before, during, or after performance of the maintenance work. If the arbitration award is not accepted by all of the owners, the court may enter a judgment determining the proportionate liability of each owner. The judgment may be enforced as a money judgment by any party against any other party to the action.

(d) In the event that snow removal is not required under subdivision (a) or under any independent contractual or statutory duty, an agreement entered into pursuant to subdivision (b) to maintain the easement in repair shall be construed to include snow removal within the maintenance obligations of the agreement if all of the following exist:

- (1) Snow removal is not expressly precluded by the terms of the agreement.
- (2) Snow removal is necessary to provide access to the properties served by the easement.
- (3) Snow removal is approved in advance by the property owners or their elected representatives in the same manner as provided by the agreement for repairs to the easement.
- (4) The provisions of this section do not apply to rights-of-way held or used by railroad common carriers subject to the jurisdiction of the Public Utilities Commission.

(1939 ch. 755, 1985 ch. 985, 1993 ch. 196)