

Grand Jury Report

RESPONSE FORM

Grand Jury Report Title : *Rubberized Asphalt Concrete in Mendocino County*

Report Dated : *April 2, 2012*

Response Form Submitted By:

Howard Dashiell, Director
Department of Transportation
340 Lake Mendocino Dr.
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than:
July 7, 2012

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- I (we) agree with the Findings numbered:
_____ 2, 3, 4, & 5 _____
- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
_____ 6, 7, 8, 9 & 15 _____

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- The following Recommendation(s) have have been implemented and **attached, as required**, is a summary describing the implemented actions:

- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

- The following Recommendation(s) require further analysis, and **attached as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
- _____

- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:
1, 2, & 3

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: _____

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Howard N. Dashiell
Title: Director, Department of Transportation, County of Mendocino

Signed: Howard N. Dashiell

Date: 07-02-12

Findings - General

6. There are State Tire Recycling Grant Funds available to Public Works agencies that use RAC on their projects.

MCDOT Response, Disagree partially: The Cal Recycle grant program does not provide full cost differential recovery. The program is available to agencies for three to four cycles with incremental demising returns. Also, the approved applications are inflexible locking in reimbursement based on industry estimates and penalizing applicants a “turn” if actual markets differ. Furthermore, the grant removes design flexibility in thickness reductions that cannot be altered easily to meet product alternative if product availability changes.

7. Extensive studies and testing of RAC by numerous government agencies and industry associations indicate that there are no significant differences between AC and RAC air emissions.

MCDOT Response, Disagree partially: MCDOT can not confirm or deny this statement.

8. Extensive studies and testing of RAC by numerous government agencies and industry associations indicate that there is not an issue with RAC regarding odor.

MCDOT Response, Disagree partially: MCDOT can not confirm or deny this statement.

9. Methods to mitigate any possible RAC odor at the manufacturing plant are to use “warm-mix” RAC, maintaining low temperatures, or inclusion of an “asphalt additive” to the RAC mix.

MCDOT Response, Disagree partially: MCDOT can not confirm or deny this statement.

15. Mendocino County taxpayers continue to pay the additional costs associated with manufacture and hauling of RAC from outside Mendocino County.

MCDOT Response, Disagree partially: In general, depending on the time, “requests for quotes” are made for various materials and the area of the county receiving delivery – out of county suppliers can and do compete with lower costs. While RAC is not often quoted, it is possible that out of county sources could be a better value.

Recommendations

The Grand Jury recommends that:

1. Mendocino County Public Works agencies (Cities of Willits, Fort Bragg, and Ukiah and the DOT) use RAC for their projects for pavement top lift and overlays. (Findings 2-6)

MCDOT Response: will NOT be implemented because they are not warranted and/or are not deemed reasonable. The factors effecting use of materials varies greatly. Often work needs to be done and MCDOT must settle for material available. Also, relative cost is important so product selection must be reasonable in comparison to other options. If RAC is available at a good value (assuming half the thickness RAC equals the same as conventional asphalt) then MCDOT will consider its use.

2. Mendocino County Public Works agencies take advantage of the State Tire Recycling Grant funds. (Findings 2-6)

***MCDOT Response:** will NOT be implemented because they are not warranted and/or are not deemed reasonable. The Cal Recycle grant program does not provide full cost differential recovery. The program is available to agencies for three to four cycles with incremental demising returns. Also, the approved applications are inflexible locking in reimbursement based on industry estimates and penalizing applicants a “turn” if actual markets differ. Furthermore, the grant removes design flexibility in thickness that reductions cannot be altered easily to meet product alterative if product availability changes.*

3. To increase transparency, Mendocino County Public Works agencies clearly state in their bid documents for RAC projects those District permit requirements that could increase the bid prices. (Findings 13–15)

***MCDOT Response:** will NOT be implemented because they are not warranted and/or are not deemed reasonable. All MCDOT specifications contain the general conditions that contractors must follow all laws and regulations. MCDOT does include language in specifications and copies of permit conditions we have obtained, or have knowledge of, but project specifications can not be the complete and final repository of all laws and conditions.*