

(R-2002-1628)

RESOLUTION NUMBER R- 296565

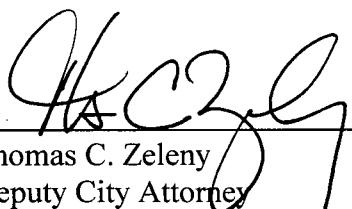
ADOPTED ON MAY 28 2002

WHEREAS, the City Manager recommends revising San Diego City Council Policy No. 600-08 to include a formula for allocation of available underground utility funds to each Council District for every calendar year, as described in City Manager Report No. 02-117 ;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that San Diego City Council Policy 600-08 regarding underground conversion of utility lines by utility companies, is hereby revised as set forth in the Council Policy filed in the Office of the City Clerk as Document No. RR- 296565

BE IT FURTHER RESOLVED, that the City Clerk is instructed to add the aforesaid to the Council Policy Manual.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

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CITY OF SAN DIEGO CALIFORNIA
COUNCIL POLICY

SUBJECT: UNDERGROUND CONVERSION OF UTILITY LINES BY UTILITY
COMPANY
POLICY NO.: 600-08
EFFECTIVE DATE:

BACKGROUND

Underground conversion of utility lines and associated facilities by companies is required when, after public hearing, the City Council finds that the public health, safety or general welfare would require the removal of poles, overhead wires and associated overhead structures with the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within a designated area, and the City Council has, by resolution declared the designated area an Underground Utility District.

PURPOSE:

To establish a policy for conversion of overhead utility lines by utility companies when the City Council determines that undergrounding of overhead utilities is in the interest of the public health, safety and welfare; and asserts its right to require conversion of overhead utilities in the exercise of its police powers.

POLICY

It shall be the policy of the City Council to:

- A. Exercise the City's police powers to order, and enforce as necessary, utility companies to convert overhead utilities to underground when it is in the interest of the public health, safety and welfare of the general public. Such power shall not be restricted in any form by any qualifying criteria except that such lines or facilities must be within the public right of way, City owned property, or other property within the jurisdiction of the City Council.
- B. Allocate and prioritize projects as follows:
 1. All utilities within the City of San Diego with overhead utilities shall provide to the City Manager each year not later than Jan 31st a complete and comprehensive list of all overhead utility locations in a format as prescribed by the City Manager. This list shall be accurate to the nearest degree reasonably possible and no utility will be held liable for accidental omissions or errors.
 2. The City Manager shall bring before the City Council a master plan for approval each year not later than June 30th, reflecting the complete list of all overhead utilities within the City, prioritized in order based on the following criteria:

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- 1st Priority: Any previously funded underground utility district which was subsequently removed from funded list and placed on deferment.
- 2nd Priority: All projects adjacent to a major roadway reconstruction, not including normal roadway maintenance, or other public improvement projects where appropriate.
- 3rd Priority: All major or collector streets contiguous to previous undergrounding.
- 4th Priority: Any street adjacent to public facilities, schools, trolley stations parks, and recreation centers.
- 5th Priority: All major or collector streets with scenic views.
- 6th Priority: All other major or collector streets.
3. Each year not later than June 30th, the City Council will approve an allocation of projects totaling not less than an amount equal to the electric utility undergrounding surcharge estimated from the proposed budget, July 1 through June 30, plus available funds embedded in electric rates.
- a. The allocation list shall reflect the priorities as set forth in Section (B)(2).
- b. Of this amount, and in consultation with SDG&E, the Council will approve a list of proposed projects that meet the criteria of the Public Utilities Commission Interim Order, Decision No. 73078, Case No. 8209 (henceforth referred to as PUC Rule 20A), at an annual allocation rate equal to the amount embedded in electric rates, plus or minus any adjustments occurring from actual expenditures. In as much as possible this list will be in keeping with the master plan of streets to be converted.
- c. For a project to qualify as a 20A project, it must be determined, after consultation with the electric utility that such undergrounding is in the general public interest for one or more of the following reasons:
1. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
 2. The street or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; and
 3. The street or road or right-of-way adjoins or masses through a civic area or public recreation area or an area of unusual scenic interest to the general public.

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4. Underground Utility Districts may include all types and size of electrical transmission and distribution systems, or combination of systems.
 5. At the discretion of the City Manager the City may, at it's option and in accordance with any SDG&E company rules, perform any or all design or construction work to convert electric utilities within Underground Utility Districts provided adequate notice is provided to SDG&E.
 - a. A minimum of one years notice is required should the City wish to design or construct up to four projects totaling not more than \$5 million dollars in estimated work.
 - b. A minimum of two years notice is required should the City wish to perform design or construction on more than four projects or more than \$5 million dollars in estimated work.
- C. Expend undergrounding funds as follows:
1. Not less than quarterly SDG&E will deposit with the City Auditor an amount of monies equal to the surcharge to be used by the City solely for the undergrounding of electrical lines and associated activities within the City of San Diego.
 2. These funds shall be expended on the following costs related to undergrounding:
 - a. The design and construction for the underground conversion of electrical distribution, transmission (whenever feasible), and associated structures within Underground Utility Districts that are not funded with PUC Rule 20A funds.
 - b. Providing and installing all necessary street lighting associated with any underground conversion project, including PUC Rule 20A projects.
 - c. Any pavement resurfacing or slurry seal resurfacing required as a result of any underground conversion project, including PUC Rule 20A projects.
 - d. All City construction management costs associated with underground conversion activities, including PUC Rule 20A projects.
 - e. Any tree replacement required as a result of any underground conversion project, including PUC Rule 20A projects.
 - f. Any value engineering or similar studies relating to underground conversion projects or activities.

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- g. Costs of conversion on private property.
- h. All environmental compliance costs as may be required.
- i. All directly related expenses to underground electrical systems.

D. Monitor expenditures as follows:

1. Not more than once per year, SDG&E will provide to the City full and complete disclosure of requested information and supporting documentation as deemed necessary by the City Manager or a designated consultant to perform a value engineering study of the efficiency and cost effectiveness of the design and construction methods being utilized by the utility in order to continually improve future practices.
2. At least quarterly or at the written request of the City Manager, SDG&E will provide to the City a detailed analysis of expenditures for each quarter ending March 31, June 30, September 30 and December 31. It shall be due to the City Manager not later than the 15th day of the following month. The report will include all projects both Rule 20A and non Rule 20A. The format of such a report to be designated by the City Manager.
3. Not later than January 31st and June 30th of each year, City staff shall report to City Council the status of all allocated underground conversion projects, as well as the status of expenditures and underground conversion account status.

E. Require affected utility companies to:

1. Utilize joint trenches when technically feasible. Any utility that believes joint trenching is not feasible, must provide the City Manager with a timely, written request for a waiver of this requirement.
2. Not delay the implementation of any or all underground activities in regards to established Underground Conversion Districts because of the short or long term future probability of any possible utility relocation.
3. Offer private property owners within the Underground District the complete conversion of all necessary facilities on private property, at no expense to the property owner, which would allow the property owner to receive underground service.
 - a. Property owners who decline offers from utility companies for conversion of property within Underground Conversion Districts will be responsible for the conversion of their property at their sole expense and will not be reimbursed for any work performed on their property to receive underground service.

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- b. Utility Companies shall provide to the City Manager, not less than 180 days before the required completion date of the project, written notification of all property owners who refuse such assistance.
- F. Require that the following time lines and milestones be met by all utilities:
1. All Underground Conversion Districts shall be completed at a date 30 months to the day from the date that the City Council resolution establishes the yearly underground allocation list. If any utility believes that it cannot comply with this requirement, a timely, written request for a waiver must be submitted to the City Manager for approval.
 - a. Within 30 calendar days from the date that the City Council resolution establishes the underground allocation list, the City Manager will inform, in writing, all affected parties of the dates for required completion.
 - b. Within 15 calendar days of letter from the City Manager establishing project completion dates, affected parties may appeal in writing to the City Manager the proposed completion dates.
 - c. Within 15 calendar days of appeal the City Manager will notify affected utility companies of any change of established completion dates appeal, or denial thereof.
 - d. All utilities must comply with the milestone dates for completion of work or services within the timelines established in the San Diego Municipal Code. These milestone dates shall commence from the date that the City Council establishes the Underground Utility District.
 2. Not later than the 15th of each month, or at the written request of the City Manager, each utility company will provide to the City Manager an updated schedule of dates for the completion of milestones for every project which the Council has created an Underground Utility District affecting that utility company. Milestone definitions and format of report will be designated by the City Manager so that all utilities report in a uniform fashion.
 3. Utilities who fail to meet established project milestone dates as prescribed by the City Engineer shall be subject to applicable remedies as prescribed by the San Diego Municipal Code.
- G. Where property owners desire an underground conversion in situations other than those meeting one of the criteria for conversion at company expense, property owners are required to pay the cost of undergrounding, less those credits as set forth in the applicable company rules as approved by the Public Utilities Commission. The cost for such conversion work,

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inclusive of the conversion of the property owner's service, may be financed by the use of the appropriate assessment district proceedings.

HISTORY

Adopted by Resolution R-194286	07/23/1968
Adopted by Resolution R-205402	04/20/1972
Adopted by Resolution R-292223	09/27/1999