

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/20/2016 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2016/682

IN THE MATTER OF boundary modification of Underground Utility District No.31, Willow Pass Road/Bailey Road, Bay Point area (District V), as recommended by the Public Works Director, Bay Point area. (District V)

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the County of Contra Costa, has adopted an ordinance authorizing the Board of Supervisors to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities (County Ordinance Code, Ch. 1008-2); and

WHEREAS, on September 10, 2013, the Board of Supervisors adopted Resolution 2013/351 and formed Underground Utility District No. 31 ("District"), Willow Pass Road/Bailey Road, in the Bay Point area of Contra Costa County, more particularly identified in Exhibit 1, attached hereto; and

WHEREAS, following the formation of the District, Public Works Department staff and Pacific Gas & Electric Company ("PG&E") representatives surveyed the District and identified three additional utility poles, and the adjacent parcels, that should be added to the District; and

WHEREAS, the Director of Public Works for the County of Contra Costa has consulted with the Pacific Gas & Electric Co., AT&T, and Comcast (the "Utility Companies") and each utility has agreed that the proposed amendment to the District boundaries meets the criteria established by the rules of the CPUC, to wit,

WHEREAS, each year County of Contra Costa is notified by Pacific Gas and Electric ("PG&E") regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the Director of Public Works has consulted with PG&E and determined that the County has accumulated Rule 20A work credits sufficient to complete the proposed overhead to underground conversion project within the District as amended to include the three additional utility poles and parcels, and

WHEREAS, the County of Contra Costa and the affected utilities have agreed by letter that each utility shall complete the engineering of their respective portion of the Bay Point Utility Undergrounding Project, and

WHEREAS, to the extent required, the County of Contra Costa has agreed to provide easements or rights of way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities, and

WHEREAS, the Board of Supervisors of the County of Contra Costa has now received the report from the Director of Public Works recommending that the area within the identified modified District boundary, as shown on Exhibit 1 attached hereto, should be added to the District, within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, the modification of the District boundaries to include three additional utility poles and three additional adjacent parcels of property, as shown in Exhibit 1, is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b)(3) of the CEQA Guidelines.

WHEREAS, removal of overhead utilities and relocation of the utilities underground within the area to be added to the District will advance the health, safety, and welfare of County residents and businesses by providing an improved pedestrian and bicycle environment, increasing foot traffic within downtown Bay Point, and improving aesthetics within the District.

WHEREAS, the County of Contra Costa notified all affected owners of the parcels to be added to the District, as shown on the last equalized assessment role, and the Utility Companies of the date, time, and location of the public hearing concerning this proposed modification of the District boundaries, as required by Contra Costa County Ordinance Code, section 1008-2.004; and

WHEREAS, the Board of Supervisors of the County of Contra Costa held a public hearing at which time the Board received and considered the recommendation of the Director of Public Works, any and all objections or protests that were raised by the owners of property within the above-described area to be added to the District and

WHEREAS, except as expressly provided herein, nothing in this resolution is intended to modify or supersede Resolution No. 2013/351.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa as follows: The Board: 1. FINDS that the public health, safety and welfare require the removal of all existing utility poles (excepting those poles supporting streetlights, traffic signals or trolley lines), overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services from within the area shown in Exhibit 1, attached hereto, being added to Underground Utility District No.31, Willow Pass Road/Bailey Road, Bay Point Area (the "District").

2. FURTHER FINDS that, relocating overhead utility infrastructure underground within the area being added to the District is in the public interest for the following reasons: (1) undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities; and (2) the road is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; and (3) the road is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines.

3. ACKNOWLEDGES that wheelchair access is in the public interest and was considered as a basis for modifying the boundaries of the District by this resolution.

4. APPROVES the amendment of the boundaries of the District to include three additional utility poles and three additional adjacent parcels of property, as more particularly shown in Exhibit 1 attached hereto and incorporated herein (the "District Addition"). The District boundaries, inclusive of the Boundary Addition, are more particularly described and depicted in Exhibit 1.

5. ORDERS: A. That the Utility Companies, cable television services and other affected services shall commence work on installation of underground facility installation in the District addition and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners within the District Addition shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

B. PG&E shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in the District Addition an individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the County of Contra Costa, and

C. PG&E shall use said underground conversion allowance allocation, for the conversion of electric service panels to accept underground service in the District Addition, and shall utilize Rule 20A credits for the remaining expense for the conversion of the electric service expense for the conversion of electric service panels to accept underground service and each property owner shall be responsible for maintenance of the conduit and termination box located on, under or within any structure on the premises served, and

D. That within 90 days after all services have been converted from overhead to underground, PG&E, AT&T and Comcast shall remove all poles (except as specified above) and associated overhead facilities in the District Addition. PG&E is authorized to discontinue overhead service upon completion of the relocation of overhead facilities and connection of the utilities to properties within the District Addition. All relocation of overhead facilities and discontinuance of overhead service within the District Addition must be completed by June 1, 2019.

6. DIRECTS the Clerk of the Board of Supervisors to mail the following documents to each property owner within the District Addition, as shown on the most recent equalized assessment roll, and all affected utilities, within 10 days after the adoption of this resolution pursuant to Ordinance Code section 1008-2.014: a copy of this resolution; a copy of Ordinance Code chapter 1008-2; and a notice stating that if the property owner, or any person occupying the property, desires to continue to receive services from PG&E, Comcast, and AT&T, the property owner or occupant shall provide necessary facility changes on the property and/or grant utilities a permit-to-enter, as specified in the resolution, so as to receive that utility service after the utility-undergrounding work is completed, subject to applicable rules, regulations, and tariffs of PG&E on file with the Public Utilities Commission.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Jon Suemnick, (925) 313-2263

ATTESTED: December 20, 2016

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Mary Halle, 925-313-2327, liza mangabay, 925-313-2232, Trina Torres, 925-313-2176