

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

Adopted this Resolution on 06/21/2022 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2022/223

IN THE MATTER OF: Formation of Underground Utility District No. 32, Appian Way Utility Undergrounding District. ("District"), as recommended by the Public Works Director, El Sobrante area. (District I)

IN THE MATTER OF: Formation of Underground Utility District No. 32, Appian Way Utility Undergrounding District. ("District") El Sobrante Area, as recommended by the Public Works Director, El Sobrante area. (District I)

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, Contra Costa County 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, the Director of Public Works for Contra Costa County has consulted with AT&T and Comcast (the "Utility Companies") and each Utility Company has agreed that the proposed underground conversion district, designated the District and more particularly described in Exhibit 1 attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

- that such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities, and
- that the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic, and
- that the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public, and
- that the street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines, and

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

WHEREAS, the Director of Public Works for Contra Costa County has consulted with PG&E and determined that the County has accumulated Electric Rule 20A work credits sufficient to complete the proposed overhead to underground conversion project, and

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

WHEREAS, Contra Costa County and the affected utilities have agreed by letter that PG&E shall be responsible for preparation of the trench profile and composite drawings and that PG&E shall be designated as "trench lead" to manage trenching,

installation of substructures, and pavement restoration and such other work, and

WHEREAS the Director of Public Works of Contra Costa County and the affected utilities have agreed on a work schedule which meets their respective capabilities and further agreed to waive any administrative fees, costs or special street restoration requirements for purposes of this project, and

WHEREAS, to the extent required, Contra Costa County 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 Contra Costa County has now received the report from the Director of Public Works recommending that the area identified in Exhibit 1 should be designated as an underground utility 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, upon the recommendation of the Director of Public Works, the Board of Supervisors of Contra Costa County has determined that the proposed Appian Way Underground Utility District is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, removal of overhead utilities and relocation of the utility underground within the proposed 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 this corridor near downtown El Sobrante, and improving aesthetics within the District;

WHEREAS, Contra Costa County has notified all affected property owners within the proposed Appian Way Underground Utility District and inviting same to attend a public hearing concerning the proposed formation of the District as required by Ordinance Code section 1008-2,004; and

WHEREAS, the Board of Supervisors of Contra Costa County held a public hearing at which time the Board of Supervisors received and considered the recommendation of the Public Works Director, and any and all objections or protests that were raised by the owners of property within the above-described district pertaining to designating this area an underground utility district;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Contra Costa County as follows:

1. FINDS that the public health, safety, and welfare require the removal of all existing utility poles, [excepting those poles supporting streetlights and traffic signals], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit 1, attached hereto, with such area being designated as the Underground Utility District No. 32, the Appian Way Underground Utility District, Appian Way, City of Pinole Limits to Argyle Road, El Sobrante Area (the "District"), and
2. FURTHER FINDS that, relocating overhead utility infrastructure underground within the proposed 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 defining the boundaries of the underground utility district by the resolution.
4. ESTABLISHES Underground Utility District No. 32, Appian Way Utility Undergrounding District, Appian Way, City of Pinole Limits to Argyle Road, El Sobrante Area (District) for the purposes described herein. The District boundaries are more particularly described and depicted in Exhibit 1, attached hereto and incorporated herein by reference.
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 Appian Way Underground Utility District and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and
 - B. The electric utility shall construct panel conversions including individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) in accordance with the Agreement to Perform Tariff Schedule Related Work - Rule 20A Electric Panel Service Conversion, and each other serving Utility Company shall provide service trenching conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with Contra Costa County, and

C. 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 upon notification as specified in Section 5.A., above, all property owners in the Appian Way Underground Utility District shall have underground electrical entrance facilities installed and inspected pursuant to Contra Costa County Electrical Code within sixty (60) days and that should any property owner fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, the electric utility shall notify the Director of Public Works who shall post written notice on the affected premises and order disconnection of electrical service 30 days thereafter in accordance with Rule 11 and Ordinance Code section 1008-2.018. Electrical service will remain disconnected until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements, and

E. That within 90 days after all services have been converted from overhead to underground, the Utility Companies, cable television services and other affected services shall remove all poles and associated overhead facilities in the Appian Way Underground Utility District. PG&E is authorized to discontinue overhead service upon completion of the conversion of existing overhead facilities to underground and connection of the utilities to properties within the District.

6. DIRECTS the Clerk of the Board of Supervisors to mail the following documents to each property owner within the District, 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 California 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: Craig Standafer, 925.313.2018

ATTESTED: June 21, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: