

**ASSEMBLY BILL**

**No. 2511**

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**Introduced by Assembly Member Dutra**

February 21, 2002

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An act to add Article 9 (commencing with Section 640) to Chapter 3 of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2511, as introduced, Dutra. Public utilities: relocation.

Under existing law, certain transit districts may exercise the right of eminent domain to take any property necessary or convenient to the exercise of their powers. Under existing law, the transit district when exercising this power is, in addition to the damage for the taking, injury, or destruction of property, also required to pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be moved to a new location.

This bill would require certain public utilities to enter into relocation agreements with public entities, as defined, in connection with a transit or transportation capital improvement project. The bill would require a relocation agreement to contain certain elements, and would provide that if a public utility abandons utility relocation work under a relocation agreement, the public entity may assume from the public utility the work of relocating related utilities and the public utility would be required to reimburse the public entity in accordance with the relocation agreement.

Since under provisions of existing law a public utility violating the requirements of this bill would be guilty of a crime, this bill would

impose a state-mandated local program by changing the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) For many transportation capital improvement projects, it is  
4 necessary for utilities to be moved and relocated in advance of  
5 construction.

6 (b) If utility relocation work cannot be performed  
7 expeditiously, or cannot be completed at all by the appropriate  
8 public utility, the result is significant costs to the public because  
9 construction work for these projects is delayed.

10 (c) It is in the best interest of the state that utility relocation  
11 work on transportation capital improvement projects be  
12 completed expeditiously to avoid unnecessary costs and delays in  
13 completing these vital projects.

14 SEC. 2. Article 9 (commencing with Section 640) is added to  
15 Chapter 3 of Part 1 of Division 1 of the Public Utilities Code, to  
16 read:

17  
18 Article 9. Relocation for Transit or Transportation Capital  
19 Improvement Projects  
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21 640. For purposes of this article, a public utility shall mean the  
22 following:

- 23 (a) An electric corporation, as defined in Section 218.
- 24 (b) A water corporation, as defined in Section 241.
- 25 (c) A telephone corporation, as defined in Section 234.
- 26 (d) A gas corporation, as defined in Section 222.



1 (e) A local publicly owned electric utility, as defined in Section  
2 9604, and a publicly owned gas utility.

3 641. For purposes of this article, a public entity is defined as  
4 a city, county, city and county, special district, or state agency.

5 642. A public utility shall enter into a relocation agreement  
6 with a public entity in connection with a transit or transportation  
7 capital improvement project. The agreement shall be executed  
8 within 120 days of the public utility receiving a written notice from  
9 the public entity to enter into the agreement and shall include, but  
10 not be limited to, the following elements:

11 (a) Location of the work to be completed.

12 (b) Cost arrangements between the parties for the work to be  
13 conducted.

14 (c) Schedule for the work to be completed.

15 (d) Remedies for contract impairment.

16 (e) Definition of default on the part of either party.

17 (f) Remedies for default by either party.

18 643. (a) If a public utility abandons utility relocation work  
19 under a relocation agreement with a public entity in connection  
20 with a transit or transportation capital improvement project, the  
21 public entity may, but is not required to, assume from the public  
22 utility the work of relocating utilities that relates to the project  
23 within the jurisdiction of the public entity.

24 (b) Abandonment of relocation work under a relocation  
25 agreement by a public utility for purposes of this section occurs  
26 when a public utility does not perform the work described in a  
27 relocation agreement for a period of 120 days or longer or as set  
28 forth in the relocation agreement, whichever is longer.

29 (c) Upon abandonment of relocation work under a relocation  
30 agreement by a public utility, a public entity may issue contracts  
31 with another qualified entity to conduct the utility relocation work.  
32 The public entity shall choose a qualified entity from a list  
33 provided by the public utility.

34 (d) Any utility relocation work performed or cause to be  
35 performed by the public entity shall be done according to industry  
36 standards, under the oversight of the public utility, and upon  
37 acceptance by the public utility.

38 (e) The public utility shall reimburse the public entity for the  
39 public utility's share of the costs of the relocation work in



1 accordance with the relocation agreement executed pursuant to  
2 Section 642.

3 SEC. 3. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

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