

AMENDED IN ASSEMBLY APRIL 18, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2511

Introduced by Assembly Member Dutra

February 21, 2002

An act to add ~~Article 9 (commencing with Section 640) to Chapter 3 of Part 1 of Division 1 of~~ *Division 3.5 (commencing with Section 7000)* to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2511, as amended, 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 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 utility abandons utility relocation work under a relocation agreement, the public entity may, pursuant to the terms of the relocation agreement, assume from the utility the work of relocating related

utilities. The bill would provide that the rights and remedies available to a public entity under the bill are nonexclusive and are cumulative of remedies available under other laws or pursuant to contract. The bill would authorize the Alameda Corridor Transportation Authority to provide funding for utility relocation work in accordance with a utility relocation agreement.

~~Since under provisions of existing law a violation of the Public Utilities Act is a crime, the changes to that act that would be made by this bill would change the definition of a crime and impose a state-mandated local program.~~

~~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~~ no. State-mandated local program: ~~yes~~ no.

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 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, whether by a utility or a public entity, as
13 set forth in an executed utility relocation agreement, to avoid
14 unnecessary costs and delays in completing these vital projects.

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

17 ~~SEC. 2. Division 3.5 (commencing with Section 7000) is~~
18 ~~added to the Public Utilities Code, to read:~~

19



~~Article 9. Relocation for Transit or Transportation Capital Improvement Projects~~

~~640. For purposes of this article, a~~

DIVISION 3.5. UTILITY RELOCATION AGREEMENTS

CHAPTER 1. RELOCATION FOR TRANSIT OR TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS

7000. For purposes of this chapter, a utility shall mean all of the following:

- (a) An electric corporation, as defined in Section 218.
- (b) A water corporation, as defined in Section 241.
- (c) A telephone corporation, as defined in Section 234.
- (d) A telecommunications carrier, as defined in Section 153 of Title 47 of the United States Code.
- (e) A gas corporation, as defined in Section 222.
- (f) A local publicly owned electric utility, as defined in Section 9604, and a publicly owned gas utility.
- (g) A cable television corporation, as defined in Section 215.5.
- (h) A cable operator, as defined in Section 522 of Title 47 of the United States Code.

~~641. For purposes of this article, a public entity is defined as~~

7001. For purposes of this chapter, a public entity is defined as a city, county, city and county, special district, or state agency.

~~642.~~

7002. When a utility enters into a relocation agreement with a public entity in connection with a transit or transportation capital improvement project, the agreement shall include, but not be limited to, the following elements:

- (a) Location of the work to be completed.
- (b) Cost arrangements between the parties for the work to be conducted.
- (c) Schedule for the work to be completed.
- (d) Remedies for contract impairment.
- (e) Definition of default on the part of either party.
- (f) Remedies for default by either party.
- (g) What constitutes abandonment of utility relocation work, and remedies for addressing any abandonment.

~~643.~~



1 7003. (a) If a utility abandons utility relocation work under
2 a relocation agreement with a public entity in connection with a
3 transit or transportation capital improvement project, the public
4 entity may, pursuant to the terms of the relocation agreement made
5 pursuant to subdivision (g) of Section ~~642~~ 7002, assume from the
6 utility the work of relocating utilities that relates to the project
7 within the jurisdiction of the public entity.

8 (b) (1) A public entity may issue contracts with another
9 qualified entity to conduct the utility relocation work.

10 (2) The utility shall offer a first right of refusal to a crew or
11 other subgroup of its own employees that are qualified to conduct
12 utility relocation work to contract with the public entity for the
13 utility relocation work.

14 (3) If the crew or subgroup identified in paragraph (2) elects not
15 to contract with the public entity to conduct the utility relocation
16 work, the public entity shall choose a qualified entity from a list
17 provided by the utility.

18 (c) Any utility relocation work performed or ~~cause~~ *caused* to be
19 performed by the public entity shall be done according to industry
20 standards, under the oversight of the utility, and upon acceptance
21 by the utility.

22 ~~644.~~

23 7004. The rights and remedies available to a public entity
24 under this article are nonexclusive and are cumulative to each
25 other and to the remedies or penalties available to the public entity
26 under all other laws or pursuant to contract.

27 ~~645.~~

28 7005. The Alameda Corridor Transportation Authority may
29 provide funding for utility relocation work in accordance with an
30 executed utility relocation agreement made pursuant to Section
31 ~~642~~ 7002.

32 ~~SEC. 3.— No reimbursement is required by this act pursuant to~~
33 ~~Section 6 of Article XIII B of the California Constitution because~~
34 ~~the only costs that may be incurred by a local agency or school~~
35 ~~district will be incurred because this act creates a new crime or~~
36 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
37 ~~for a crime or infraction, within the meaning of Section 17556 of~~
38 ~~the Government Code, or changes the definition of a crime within~~



1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

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