

AMENDED IN ASSEMBLY APRIL 29, 2002

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 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 *between certain utilities and public entities, as defined, entered into in connection with a transit or transportation capital improvement project*, 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, *or any other public entity*, to provide funding for utility relocation work in accordance with a utility relocation agreement.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: 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. Division 3.5 (commencing with Section 7000) is
16 added to the Public Utilities Code, to read:

17

18 DIVISION 3.5. UTILITY RELOCATION AGREEMENTS

19

20 CHAPTER 1. RELOCATION FOR TRANSIT OR TRANSPORTATION
21 CAPITAL IMPROVEMENT PROJECTS

22

23 7000. For purposes of this chapter, a utility shall mean all of
24 the following:

25 (a) An electric corporation, as defined in Section 218.

26 (b) A water corporation, as defined in Section 241.



1 (c) A telephone corporation, as defined in Section 234.

2 (d) A telecommunications carrier, as defined in Section 153 of
3 Title 47 of the United States Code.

4 (e) A gas corporation, as defined in Section 222.

5 (f) A local publicly owned electric utility, as defined in Section
6 9604, and a publicly owned gas utility.

7 (g) A cable television corporation, as defined in Section 215.5.

8 (h) A cable operator, as defined in Section 522 of Title 47 of the
9 United States Code.

10 7001. For purposes of this chapter, a public entity is defined
11 as a city, county, city and county, special district, ~~or state agency~~
12 *state agency, joint powers authority, transportation agency, or*
13 *transportation authority.*

14 7002. When a utility enters into a relocation agreement with
15 a public entity in connection with a transit or transportation capital
16 improvement project, the agreement shall include, but not be
17 limited to, the following elements:

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

19 (b) Cost arrangements between the parties for the work to be
20 conducted.

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

22 (d) Remedies for contract impairment.

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

24 (f) Remedies for default by either party.

25 (g) What constitutes abandonment of utility relocation work,
26 and remedies for addressing any abandonment.

27 7003. (a) If a utility abandons utility relocation work under
28 a relocation agreement with a public entity in connection with a
29 transit or transportation capital improvement project, the public
30 entity may, pursuant to the terms of the relocation agreement made
31 pursuant to subdivision (g) of Section 7002, assume from the
32 utility the work of relocating utilities that relates to the project
33 within the jurisdiction of the public entity.

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

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

1 (3) If the crew or subgroup identified in paragraph (2) elects not
2 to contract with the public entity to conduct the utility relocation
3 work, the public entity shall choose a qualified entity from a list
4 provided by the utility, *if the utility chooses to provide a list*.

5 (c) Any utility relocation work performed or caused to be
6 performed by the public entity shall be done according to industry
7 standards, under the oversight of the utility, and upon acceptance
8 by the utility.

9 7004. The rights and remedies available to a public entity
10 under this article are nonexclusive and are cumulative to each
11 other and to the remedies or penalties available to the public entity
12 under all other laws or pursuant to contract.

13 7005. The Alameda Corridor Transportation Authority, *or*
14 *any other public entity, as defined in Section 7001*, may provide
15 funding for utility relocation work in accordance with an executed
16 utility relocation agreement made pursuant to Section 7002.

