

AMENDED IN SENATE MAY 29, 2002
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 a relocation agreement between certain utilities, *cable television corporations, or cable operators* 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, *cable television corporation, or*

cable operator abandons utility relocation work under a relocation agreement, the public entity may, pursuant to the terms of the relocation agreement, assume from the utility, *cable television corporation, or cable operator* 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~~ a 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, *cable television corporation, or cable operator*, the result
9 is significant costs to the public because construction work for
10 these projects is delayed.
- 11 (c) It is in the best interest of the state that utility relocation
12 work on transportation capital improvement projects be
13 completed expeditiously, whether by a utility, *cable television*
14 *corporation, or cable operator* or a public entity, as set forth in an
15 executed utility relocation agreement, to avoid unnecessary costs
16 and delays in completing these vital projects.
- 17 SEC. 2. Division 3.5 (commencing with Section 7000) is
18 added to the Public Utilities Code, to read:
19



DIVISION 3.5. UTILITY RELOCATION AGREEMENTS

CHAPTER 1. RELOCATION FOR TRANSIT OR TRANSPORTATION
CAPITAL IMPROVEMENT PROJECTS

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

~~(a)~~

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

~~(b)~~

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

~~(c)~~

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

~~(d)~~

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

~~(e)~~

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

~~(f)~~

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

~~(g)~~

(7) *a special district that owns or operates utilities.*

(b) This chapter shall also apply to the following entities:

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

~~(h)~~

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

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

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~~ *may* include, but not be limited to, the following elements, *as agreed to by the parties*:

(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.

1 (d) Remedies for contract impairment.

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

3 (f) Remedies for default by either party.

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

6 7003. (a) If a utility, *cable television corporation, or cable*
7 *operator* abandons utility relocation work under a relocation
8 agreement with a public entity in connection with a transit or
9 transportation capital improvement project, the public entity may,
10 pursuant to the terms of the relocation agreement made pursuant
11 to subdivision (g) of Section 7002, assume from the utility, *cable*
12 *television corporation, or cable operator* the work of relocating
13 utilities that relates to the project within the jurisdiction of the
14 public entity.

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

17 (2) The utility, *cable television corporation, or cable operator*
18 shall offer a first right of refusal to a crew or other subgroup of its
19 own employees that are qualified to conduct utility relocation
20 work to contract with the public entity for the utility relocation
21 work.

22 (3) If the crew or subgroup identified in paragraph (2) elects not
23 to contract with the public entity to conduct the utility relocation
24 work, the public entity shall choose a qualified entity from a list
25 provided by the utility, ~~if the utility chooses~~ *cable television*
26 *corporation, or cable operator if the utility, cable television*
27 *corporation, or cable operator chooses* to provide a list.

28 (c) Any utility relocation work performed or caused to be
29 performed by the public entity shall be done according to industry
30 standards, under the oversight of the utility, *cable television*
31 *corporation, or cable operator*; and upon acceptance by the utility,
32 *cable television corporation, or cable operator*.

33 7004. The rights and remedies available to a public entity
34 under this article are nonexclusive and are cumulative to each
35 other and to the remedies or penalties available to the public entity
36 under all other laws or pursuant to contract.

37 ~~7005. The Alameda Corridor Transportation Authority, or~~
38 ~~any other~~

1 7005. A public entity, as defined in Section 7001, may provide
2 funding for utility relocation work in accordance with an executed
3 utility relocation agreement made pursuant to Section 7002.

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