

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO COUNTY)
3 BOARD OF SUPERVISORS ESTABLISHING AN)
4 UNDERGROUND UTILITY DISTRICT FOR THE)
5 AREA 100 YARDS ON EITHER SIDE OF STATE)
6 HIGHWAY 156 BETWEEN UNION ROAD AND)
7 BREEN ROAD)

Resolution No. 2019-_____

8 **WHEREAS**, the California Public Utilities Commission (CPUC) has authorized electric and
9 telecommunication utilities to convert overhead utility lines and facilities to underground pursuant
10 to Electric Rule 20 and Telecommunication Rule 32; and

11 **WHEREAS**, pursuant to certain criteria, CPUC rules allow participating cities and counties to
12 establish legislation authorizing the creation of underground utility districts within which existing
13 overhead electric distribution and telecommunication distribution and service facilities will be
14 converted to underground; and

15 **WHEREAS**, Policy PFS-8.5 of the San Benito County General Plan, Public Facilities and Service
16 Element, states that "...[d]uring roadway construction or as other opportunities are presented, the
17 County shall encourage utility providers to underground existing utility lines;" and

18 **WHEREAS**, the County of San Benito, has adopted an ordinance, codified as Chapter 15.03
19 (Underground Utility Districts) of the San Benito County Code, authorizing the Board of
20 Supervisors to designate areas within which all existing overhead poles, overhead wires and
21 overhead equipment associated with the distribution of electric power, telecommunication services
22 and cable television should be removed and replaced with underground wires and facilities; and

23 **WHEREAS**, the proposed establishment of an underground conversion district, to be designated as
24 the Highway 156 Underground Utility District, for the area 100 yards on either side of State
25 Highway 156, between Union Road and Breen Road, and more particularly described in Exhibit 1,
26 attached hereto and incorporated herein by reference, is presented to the Board of Supervisors for
27 consideration, pursuant to Chapter 15.03 of the San Benito County Code; and

28 **WHEREAS**, the Director, or his designee, of the Resource Management Agency for the County of
29 San Benito has consulted with the affected public utilities and such utilities have agreed that the
30 proposed underground conversion district, designated the Highway 156 Underground Utility
31 District and more particularly described in Exhibit 1, meets the criteria established by the following
32 rules of the CPUC:

- 33 • that such undergrounding will avoid or eliminate an unusually heavy concentration of
34 overhead electric facilities; and
- 35 • that the street or road or right-of-way is extensively used by the general public and
36 carries a heavy volume of pedestrian or vehicular traffic; and
- 37 • that the street or road or right-of-way adjoins or passes through a civic area or public
38 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.

WHEREAS, each year the County of San Benito is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations; and

WHEREAS, the Director, or his designee, of the Resource Management Agency for the County of San Benito has consulted with PG&E and determined that the County has accumulated Rule 20A work credits or PG&E has agreed that the County may borrow against future credits sufficient to complete the proposed overhead to underground conversion project; and

WHEREAS, the Board of Supervisors of the County of San Benito has now received the report from the Director of the Resource Management Agency 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 the Resource Management Agency, the Board of Supervisors of the County of San Benito has determined that the establishment of the proposed Highway 156 Underground Utility District is categorically exempt from environmental review under the California Environmental Quality Act, pursuant to section 15302(d) of the State CEQA Guidelines, because it consists of replacement or reconstruction of existing structures and facilities where the new structures or facilities will be located on the same site as the structures or facilities being replaced and will have substantially the same purpose and capacity as the structures or facilities being replaced, specifically, it will result in the conversion of overhead electric utility and other utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding; and

WHEREAS, the County of San Benito has notified all affected property owners within the proposed Highway 156 Underground Utility District and inviting them to attend a public hearing to discuss formation of the proposed district, pursuant to section 15.03.020 of the San Benito County Code; and

WHEREAS, the Board of Supervisors of the County of San Benito held the duly noticed public hearing at its regular meeting of July 23, 2019, at which time the Board of Supervisors received and considered the recommendation of the County Engineer, heard any and all objections or protests that were raised by the owners of property within the above described area of the proposed district, and heard and received all oral and written testimony and evidence that was made, presented or filed pertaining to designating this area an underground utility district, and all persons present at the hearing were given the opportunity to hear and be heard with respect to any matter related thereto; and

WHEREAS, at the conclusion of the public testimony, and in accordance with all applicable state and local law, the Board of Supervisors closed the public hearing and deliberated and considered

1 establishment of the Highway 156 Underground Utility District, together with all objections or
2 protests received, in light of all evidence in the record.

3 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
4 Benito that, based on the oral and documentary evidence offered and received at the public hearing,
the Board expressly finds, determines and orders as follows:

- 5 1. The above recitals are true and correct; and
- 6 2. The public necessity, health, safety and welfare requires the removal of all existing utility
7 poles [excepting those poles supporting streetlights or traffic signals], overhead wires and
8 associated overhead structures and installation of underground wires and facilities for
9 supplying electric power, communication, cable television or similar associated services
within the areas as shown in Exhibit 1, attached hereto, for the following reasons:
 - 10 a. such undergrounding will avoid or eliminate an unusually heavy concentration of
11 overhead electric facilities within the designated area;
 - 12 b. Highway 156 is extensively used by the general public and carries a heavy volume of
13 vehicular traffic;
 - 14 c. Highway 156 passes through an area of unusual scenic interest to the general public;
and
 - 15 d. Highway 156 is considered an arterial street or major collector as defined in the
16 Governor's Office of Planning and Research General Plan Guidelines.
- 17 3. the establishment of the proposed Highway 156 Underground Utility District is categorically
18 exempt from environmental review under the California Environmental Quality Act,
19 pursuant to section 15302(d) of the State CEQA Guidelines, because it consists of
20 replacement or reconstruction of existing structures and facilities where the new structures
21 or facilities will be located on the same site as the structures or facilities being replaced and
22 will have substantially the same purpose and capacity as the structures or facilities being
replaced, specifically, it will result in the conversion of overhead electric utility and other
utility distribution system facilities to underground including connection to existing
overhead electric utility distribution lines where the surface is restored to the condition
existing prior to the undergrounding; and
- 23 4. The area 100 yards on either side of State Highway 156, between Union Road and Breen
24 Road, and more particularly described in Exhibit 1, attached hereto, is hereby declared to be
25 an underground utility district and is designated as the Highway 156 Underground Utility
26 District, and all existing and future electric, telecommunication and cable television
distribution facilities within the district will be placed underground; and
- 27 5. That, upon initiation of a specific proposed overhead to underground conversion project
28 within the district, the utility companies, cable television services and other affected services
shall commence work on installation of underground facility installation in the Highway 156
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 at least ninety (90) days in advance, by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines; and

6. The electric utility shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it, within the Highway 156 Underground Utility District, a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the County of San Benito; and
7. The electric utility shall use said underground conversion allowance allocation, up to a maximum amount of \$1500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Highway 156 Underground Utility District, and the County of San Benito shall be financially responsible for any and all costs not covered by the electric utility for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served; and
8. That upon notification as specified in Section 3 above, all property owners in the Highway 156 Underground Utility District shall have underground electrical entrance facilities installed and inspected pursuant to the County of San Benito 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 the Resource Management Agency who shall, within thirty (30) days direct the electric utility in writing to discontinue electrical service to the property, without recourse, pursuant to Rule 11 until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements; and
9. That once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities within the Highway 156 Underground Utility District; and
10. The Director of the Resource Management Agency is hereby directed, pursuant to section 15.03.025 of the San Benito County Code, to provide notice by first class letter, postage pre-paid, within ten (10) days of the effective date of this Resolution, to all affected utilities and all persons owning real property within the district, of the adoption of this Resolution establishing the Highway 156 Underground Utility District, including copies of this Resolution and of Chapter 15.03 of the San Benito County Code, and to further notify the property owners that if they or any other person occupying the property desires to continue to receive electric, communication, television or similar or associated service, they or the occupant shall provide all necessary facility changes on their premises so as to receive the service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, resolutions and tariffs of the respective utility or utilities on file with the Commission; and

11. The Director of the Resource Management Agency is hereby directed to cause a Notice of Exemption to be filed with the County Clerk.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 23rd DAY OF JULY, 2019 BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):
Noes: Supervisor(s):
Absent: Supervisor(s):
Abstain: Supervisor(s)

By: _____
Mark Medina, Chair

ATTEST:
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

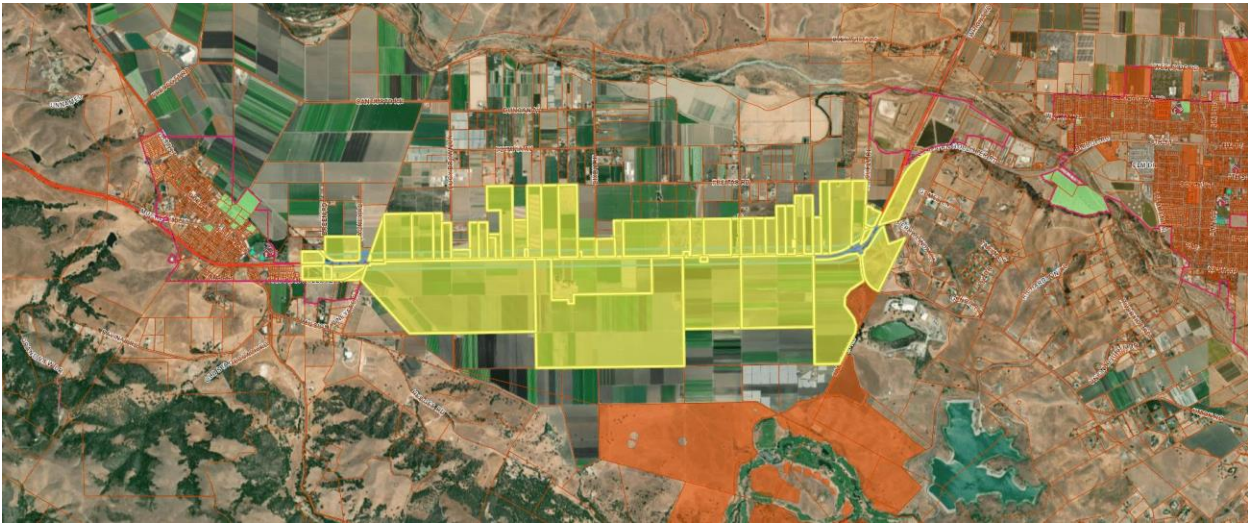
By: _____

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

Date: _____

Date: July 18, 2019

Resolution 2019-____, Exhibit 1
Highway 156 Underground Utility District



Assessor's Parcel
Numbers (APN)

0121300260
0181700200
0181400080,
0181400100,
0181600210,
0181400140,
0181400210,
0181400190,
0181600200
0181400260
0181400270
0181400120
0181400110
0181600150
0181900010
0181800070,
0181800040,
0181800060
0181700120

0181700100,
0181700110,
0181600240,
0181600250,
0181600100
0121300340
0181600270
0181700140
0181100120
0181400290
0181400320
0181700340
0181400170
0121300330
0181400280
0181700260,
0181700240,
0181700230,
0181700220,
0181700270
0181100150,
0181100330,
0181100250,
0181100170
0025500040,
0025500030,
0025500050
0181900170,
0181900190
0181900220
0181200070,
0181200100,
0181200060
0025500060
0181700150
0181600260