

RESOLUTION NO. 31/2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA APPROVING THE LOWER REDWOOD AVENUE AND EDISON AVENUE UNDERGROUND UTILITY DISTRICT

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

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

WHEREAS, the Town of Corte Madera municipal code Chapter 14.04 “Underground Utilities” (Ordinance No. 488) authorizes the Town Council, by resolution, to designate areas 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, California Public Utilities Commission (CPUC) produced a report titled, “Undergrounding Proceeding (R.17-05-010) Staff Proposal for Rule 20 Program Reform and Enhancement” that discussed and considered significant changes to the Rule 20A program, which established uncertainty in the longevity of the program; and

WHEREAS, California Public Utilities Commission (CPUC) ordered electrical companies to discontinue authorization of work credits for allocation after December 31, 2022; and

WHEREAS, in 2018 the Town was awarded a Caltrans Adaptation Planning Grant, as part of the Senate Bill No. 1 (SB1) grant program to provide analysis, and recommendations; and identify possible strategies and adaptation-related capital improvement projects for the Town’s multi-modal transportation infrastructure, land uses and natural habitats; and

WHEREAS, On December 1, 2020, Town Council adopted a resolution declaring a climate emergency after the Climate Action Committee held a public meeting on November 18th to consider joining many cities and organizations around the world, and locally within our county who have signed petitions and adopted resolutions supporting a declaration of climate emergency; and

WHEREAS, on May 18, 2021, the Town’s Climate Adaptation Assessment (CAA) was accepted by Town Council after over two and half years of development and community engagement; and

WHEREAS, as a result of the potential changes to the undergrounding program and feedback from the Climate Adaptation Assessment process, Town staff began evaluating and considering potential undergrounding districts to safeguard this Rule 20A fund source; and

WHEREAS, the Director of Public Works for the Town of Corte Madera has consulted with PG&E regarding the proposed undergrounding district and they agree that it is eligible for the Rule 20A program given it meets the criteria established by the rules of the CPUC, to wit,

that such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities, AND

that the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic, AND

that the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public, and

WHEREAS, lower Redwood Avenue and Edison Avenue provide critical vehicular access to the Christmas Tree Hill Neighborhood; and

WHEREAS, in addition to the criteria established by the CPUC, this proposed underground utility district (Attachment 2) would also provide additional safety enhancements by eliminating the potential for a downed power line to block these critical roadways; and

WHEREAS, each year the Town of Corte Madera 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 of Public Works for the Town of Corte Madera has consulted with PG&E and determined that the Town has approximately 388,000 Rule 20A work credits; and

WHEREAS, the Town of Corte Madera has determined that each utility shall complete the engineering of their respective portion of the Lower Redwood Avenue & Edison Avenue Underground Utility District Conversion Project; and

WHEREAS, the Town of Corte Madera has determined that Pacific Gas & Electric shall be responsible for preparation of the trench profile and composite drawings and that Pacific Gas & Electric shall be designated as “trench lead” to manage trenching, installation of substructures, and pavement restoration and such other work; and

WHEREAS the Director of Public Works of the Town of Corte Madera has agreed to waive any administrative fees, costs or special street restoration requirements for purposes of this project; and

WHEREAS, to the extent required, the Town of Corte Madera has agreed to pursue, in good faith, any easements or rights of way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities; and

WHEREAS, the Council of the Town of Corte Madera has now received the report from the Director of Public Works recommending that the area identified in Attachment 2 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, the project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to California Code of Regulations, Title 14, Chapter 3 (“Guidelines for Implementation of the CEQA”), Section 15302 (d) Conversion of overhead electric 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 Town of Corte Madera has notified all affected property owners within the proposed Lower Redwood Avenue & Edison Avenue Underground Utility District and inviting same to attend a public hearing to discuss formation of the proposed district; and

WHEREAS, the Council of the Town of Corte Madera held public hearings at which time the Council did receive and consider the recommendation of the Town Engineer and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an underground utility district; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Corte Madera that:

Section 1. The public interest requires the removal of all existing utility poles (excepting those poles supporting streetlights or traffic signals), overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Attachment 2, attached hereto, with such area being designated as the Lower Redwood Avenue & Edison Avenue Underground Utility District; and

Section 2. That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in the Lower Redwood Avenue & Edison Avenue 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 by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines; and

Section 3. 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 in Lower Redwood Avenue & Edison Avenue 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 Town of Corte Madera; and

Section 4. 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 Lower Redwood Avenue & Edison Avenue Underground Utility District, and further analysis is required to determine who 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

Section 5. That upon notification as specified in Section 2, all property owners in the Lower Redwood Avenue & Edison Avenue Underground Utility District shall have underground electrical entrance facilities installed and inspected pursuant to the Town of Corte Madera 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 Public Works 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

Section 6. 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 in Lower Redwood Avenue & Edison Avenue Underground Utility District, within 6 months of completion of undergrounding work.

PASSED AND ADOPTED by the Town Council of the Town of Corte Madera, State of California this 6th day of July, 2021, by the following vote:

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I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Town of Corte Madera at a meeting thereof held on the 6th day of July, 2021, by the following vote:

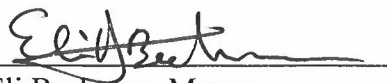
Ayes, and in favor thereof, Councilmembers: Beckman, Casissa, Lee, Mongan, Ravasio

Noes, Councilmembers: - None -

Abstain, Councilmembers: - None -

Absent, Councilmembers: - None -

Approved:


Eli Beckman, Mayor

ATTEST


Rebecca Vaughn, Town Clerk

