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**Title:** \*\*\*RESOLUTION - 32nd Amendment to the Annual Appropriations Resolution (AAR) No. 2018-157 appropriating \$275,000 for right-of-way acquisition for the Blackstone Avenue Utility Undergrounding District (Subject to Mayor's veto) (Requires 5 affirmative votes) (Council Districts 1, 3 and 7)

**Sponsors:** Public Works Department

**Indexes:**

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**Attachments:** 1. 19-1451 Resolution.pdf

Date	Ver.	Action By	Action	Result
4/25/2019	1	City Council	adopted	

**REPORT TO THE CITY COUNCIL**

**April 25, 2019**

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**SUBJECT**

\*\*\*RESOLUTION - 32nd Amendment to the Annual Appropriations Resolution (AAR) No. 2018-157 appropriating \$275,000 for right-of-way acquisition for the Blackstone Avenue Utility Undergrounding District (Subject to Mayor's veto) (Requires 5 affirmative votes) (Council Districts 1, 3 and 7)

**RECOMMENDATION**

Staff recommends that the City Council adopt the 32nd Amendment to the Annual Appropriations Resolution (AAR) No. 2018-157 to appropriate \$275,000 for right-of-way acquisition for the Blackstone Avenue Utility Undergrounding District.

**EXECUTIVE SUMMARY**

The Council has taken several previous actions in support of undergrounding the overhead utilities along Blackstone Avenue from Belmont to Shields, along with Abby Street from Belmont to Hedges. These actions have included the formation of utility undergrounding districts to utilize PG&E undergrounding funds pursuant to the Rule 20A program, authorizing application for Federal transportation grant funds to relocate City street lighting from wooden poles to permanent metal poles with underground service, approving budget appropriations for the capital project and awarding a construction contract for the street light relocations. Appropriations are necessary for additional right-of-way needed by PG&E in order to keep the project moving forward.

## **BACKGROUND**

The undergrounding of overhead utilities is governed by the California Public Utilities Commission (CPUC) under the Rule 20 program. A Rule 20A project is initiated by a city or county and typically occurs in areas of a community that are used by the public on a major street. The municipal agency determines the potential project location and the boundary is discussed with PG&E and other utilities. The governing body of a city or county must determine, in consultation with PG&E and after holding public hearings on the subject, that undergrounding is in the general public interest for one or more of the following qualifying reasons:

- Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities
- The street, road or right-of-way is extensively used by the General Public and carries a heavy volume of pedestrian or vehicle traffic
- The street, road or right-of-way adjoins or passes through a civic area, public recreation area or an area of unusual scenic interest to the public
- The street, 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

The Rule 20A program is funded by tariffs on electrical energy charges paid by the consumer and PG&E provided an annual allocation to 266 municipal agencies. The agencies may bank the funds for future projects or mortgage the funds up to five years to pay for an undergrounding project. There are exclusions to what the program will fund and the cost of rights-of-way required due to point of services changes from overhead to underground service is not covered by the program.

Staff is seeking Council approval on the attached Resolution to appropriate \$275,000 for right-of-way acquisition for the Blackstone Avenue Utility Undergrounding Project from Belmont to Shields Avenue.

On September 25, 2007, the Council held a public hearing to form a utility undergrounding district ("FRE84") on Blackstone Avenue from Belmont to Shields Avenue, pursuant to the Rule 20A utility undergrounding program. The dates for pole removal were extended by Council action to amend the district on December 18, 2014, since the City had not yet funded its obligation to convert the street lighting system to underground. On August 27, 2015, the Council formed an undergrounding district for Abby Street between Belmont and Hedges ("FRE94"). The Council also authorized staff to apply for Federal Regional Surface Transportation Program (RSTP) grant funds to install a permanent street lighting system on Blackstone and Abby Street, from Divisadero to Shields, in order to remove City street lights from any wooden poles along the corridor and prepare for the undergrounding project. The street lighting capital project was approved in the budget and is now in construction, with

the contract having been awarded by Council on December 6, 2018. PG&E is in the final engineering phase in preparation for Rule 20A undergrounding construction, but has identified 17 parcels where right-of-way will need to be acquired for placement of equipment. The estimated cost for this right-of-way acquisition is \$275,000 and will allow the undergrounding project to continue forward to completion, improving safety and aesthetics for the community on this important corridor.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this item does not qualify as a project as defined by the California Environmental Quality Act.

## **LOCAL PREFERENCE**

Local preference does not apply to the projects included in this report as this is a rebudget item only and does not involve bidding or contracting.

## **FISCAL IMPACT**

There is no new net fiscal impact to the General Fund. All proposed costs will be paid for from existing revenue sources. See attached Resolution for specific funds and associated costs.

### **Attachments:**

Resolution - 32<sup>nd</sup> Amendment