

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

203B



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
January 26, 2009

SUBJECT: Ordinance No. 499.12 Amending Ordinance No. 499 Relating to Encroachments within County Highways

RECOMMENDED MOTION:

1. Set Ordinance No. 499.12 relating to the encroachments in County Highways and the proposed encroachment permit ordinance fees, which amends Ordinance No. 499 for public hearing on February 24, 2009 at 9:30 a.m.;
2. Authorize the Clerk of the Board to advertise the public hearing pursuant to Government Code 6062a; and
3. At the conclusion of the public hearing, adopt Ordinance No. 499.12 and approve the proposed encroachment permit ordinance fees.

BACKGROUND: Ordinance 499 is the County Ordinance regulating encroachments into County road rights-of-way. This includes work done within the right-of-way by utility companies and private individuals. The purpose of this amendment is to revise the fee structure related to encroachment type, and to clarify that unpermitted advertising signs placed in the road rights-of-way may be subject to immediate removal. The fees found within this Ordinance were last revised on December 23, 2003. The Department has over the years increased its emphasis on field inspection, right-of-way research, and project coordination in order to protect public safety in our rights-of-way, resolve public concerns, and minimize conflicts associated with encroachment permit issuance.

The Encroachment Permit Section's average shortfall over the past five fiscal years has averaged 42% annually. Gas Tax has been subsidizing this short fall, which reduces the amount of funds that we have available for road maintenance or improvement activities. A fee

Juan C. Perez
Director of Transportation

JCP:HMS
(Continued On Attached Page)

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading and is set for public hearing on Tuesday, February 24, 2009, at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
Nays: None
Absent: None
Date: February 3, 2009
xc: Transp., COB

Nancy Romero
Clerk of the Board
By:
Deputy

Prev. Agn. Ref. 11/23/03-Item 3.56 | District: All | Agenda Number:
12/23/03-Item 9.3

**ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD**

9.7

REVIEWED BY EXECUTIVE OFFICE

DATE 1/26/09
Tina Grande
Departmental Concurrence

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 1-21-09
DATE
SYNTHIA M. GUNZEL

Policy Policy

Consent Consent

Dep't Recomm.:
Per Exec. Ofc.:

The Honorable Board of Supervisors
RE: Ordinance No. 499.12
January 15, 2009
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increase of 15% is being proposed at this time for most fees (except blanket permits) to allow the Department to start recovering a greater amount of the actual cost of providing the inspection service, while not burdening the utilities or private individuals with entire program cost recovery given the impact that such a large fee increase would have on affected parties. The 15% increase translates to an annual 3% increase for each of the last five years since the last fee update, and has been discussed with representatives of the Inland Empire Inter Utility Coordination Council. A detailed comparison of the existing and proposed fee structure is shown in Exhibit A, attached hereto. A summary of the annual shortfalls experienced by the Encroachment Permit Section is shown in Exhibit B, attached hereto.

The fee increase does not include processing or inspection fees for tract maps, parcel maps, plot plans, conditional use permits, and miscellaneous case permits where such fees are collected utilizing deposit based fees in accordance with Ordinance 671 during the development review process.

For the proposed revision of the Encroachment Permit Fee Schedule as shown in Appendix A, the inspection and processing fees have been increased by a factor of 15%. The following are exceptions: blanket permits and penalties. The processing fee and/or the inspection fee of these items were increased as follows:

Blanket (annual) permits: Blanket permits are used very extensively by many utility companies as a way to obtain authority to frequently encroach on roads for smaller projects without an involved individual permit process. The blanket permit is being proposed to be divided into two cases based on the use and the geographical service area. Case 1 is designated for minor use, Case 2 for extensive use. The case designation will assist the County to better recover its cost of inspection on a tiered basis. For example, large utilities have a large geographical area of service and use the blanket permit extensively. On the other hand, a small company with limited use and servicing a fairly small area with little room for growth currently pays the same fee amount for the blanket permit. The Case 1 fee is proposed to be increased from \$1000 to \$2000 and Case 2 from \$1000 to \$5000, which still provides a very substantial savings to the utilities as compared to obtaining individual permits, which remains as an option to them as well.

Penalties: "The Work Done Without a Permit" penalties on minor and involved type of cases increased due to the increase in violations and to provide a better deterrent. Individual penalties do not exceed the \$1000 limit imposed by Ordinance 499.

County Counsel has reviewed and approved as to form.

**EXHIBIT "A"
COMPARISON TABLE**

	Current Fee				Proposed Fee			
	Permit Fee	Inspection Fee	Unit Inspection Fee	Total Permit Fee	Permit Fee	Inspection Fee	Unit Inspection Fee	Total Permit Fee
ENCROACHMENT								
MINOR								
Tree planting, trimming or removal / Private drain	\$ 69.00	\$ 19.00	each	varies	\$ 79.00	\$ 22.00	each	varies
Minor drainage structures (Std 303/309/310)	\$ 69.00	3% cost		varies	\$ 79.00	3% cost		varies
Operate and maintain permits (Utilities)	\$ 69.00	\$ 0.00		\$ 69.00	\$ 79.00	\$ 0.00		\$ 79.00
Seismic refraction survey	\$ 69.00	\$ 183.00		\$ 252.00	\$ 79.00	\$ 210.00		\$ 289.00
Residential driveway approach	\$ 69.00	\$ 93.00		\$ 162.00	\$ 79.00	\$ 107.00	each	\$ 186.00
Blanket permit - utilities								
Case 1 Minor	\$ 69.00	\$ 931.00	Annually	\$ 1,000.00	\$ 79.00	\$ 1,921.00	Annually	\$ 2,000.00
Case 2 Extensive	\$ 69.00	\$ 931.00	Annually	\$ 1,000.00	\$ 79.00	\$ 4,921.00	Annually	\$ 5,000.00
Riders (extensions of time)	\$ 69.00	\$ -		\$ 69.00	\$ 79.00	\$ 0.00		\$ 79.00
INVOLVED								
Catch basin 300 (4' 7", 14", 21", 28')	\$ 112.00	3% cost		varies	\$ 129.00	3% cost		varies
Drop inlet / Over side Drain	\$ 112.00	3% cost		varies	\$ 129.00	3% cost		varies
Water / Sewer laterals	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	\$ 0.23 If
Trap Fences	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	\$ 0.23 If
Monitoring Wells / soil borings	\$ 112.00	\$ 183.00		\$ 295.00	\$ 129.00	\$ 210.00	each	\$ 339.00
Landscape / irrigation	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	varies
Commercial driveway approach	\$ 112.00	\$ 230.00		\$ 342.00	\$ 129.00	\$ 264.00		\$ 393.00
Grading in right of way	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	varies
Curbs and gutters	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	varies
Concrete sidewalks	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	varies
Temporary power poles	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	varies
Riders (Changes)	\$ 112.00	plus other	appl.	varies	\$ 129.00	plus other	appl.	varies
AC Paving	\$ 112.00	\$ 183.00		varies	\$ 129.00	\$ 210.00	plus	varies
Pedestrian benches	\$ 112.00	\$ 183.00		\$ 295.00	\$ 129.00	\$ 210.00		\$ 339.00
Utility service connections involving trench	\$ 112.00	\$ 183.00	plus	varies	\$ 129.00	\$ 210.00	plus	varies
Utilize Right of Way	\$ 112.00	\$ 183.00		\$ 295.00	\$ 129.00	\$ 210.00	each	\$ 339.00
Heavy equipment crossings	\$ 112.00	\$ 91.50	per day	varies	\$ 129.00	\$ 105.00	per day	varies
Filing	\$ 112.00	\$ 91.50	per day	varies	\$ 129.00	\$ 105.00	per day	varies
County required utility relocations	\$ -	\$ -		no fee	\$ -	\$ 0.00		no fee

**EXHIBIT "A"
COMPARISON TABLE**

	Current Fee					Proposed Fee						
	Permit fee	Inspection fee	Unit Inspection fee	Total Permit fee	Permit Fee	Inspection fee	Unit Inspection fee	Total Permit Fee	Permit Fee	Inspection fee	Unit Inspection fee	Total Permit Fee
ENCROACHMENT												
EXTENSIVE												
Dry / Wet Utility trenches (less than 1000 feet)	\$ 156.00	\$ 183.00	plus \$ 0.20 lf	varies	\$ 179.00	\$ 210.00	plus \$ 0.23 lf	varies				varies
Road Closures	\$ 156.00	\$ 91.50	per day	varies	\$ 179.00	\$ 105.00	per day	varies				varies
Street, Water, Sewer, Storm Drain (IP's only)	\$ 156.00	\$ 0.00		\$ 156.00	\$ 179.00	\$ 0.00		\$ 179.00				\$ 179.00
Storm drains	\$ 156.00	\$ 183.00	plus \$ 0.20 lf	varies	\$ 179.00	\$ 210.00	plus \$ 0.23 lf	varies				varies
DEPOSIT BASED:												
Traffic signal	\$ 112.00	3% cost		Varies	\$ 129.00	3% cost		varies				varies
Bridges and drainage structures	\$ 156.00	3% cost		varies	\$ 179.00	3% cost		varies				varies
Permanent poles / aerial cable	\$ 156.00	\$ 183.00	plus \$ 0.20 lf	varies	\$ 179.00	\$ 210.00	plus \$ 0.23 lf	varies				varies
Dry / Wet Utility trenches (1000 feet +)	\$ 405.00	\$ 183.00	plus \$ 0.20 lf	varies	\$ 465.00	\$ 210.00	plus \$ 0.23 lf	varies				varies
PENALTIES												
Work done without benefit of permit (minor)	\$ 250.00		2 X fee	varies	\$ 500.00		3 X fee	varies				varies
Work done without benefit of permit (involved)	\$ 500.00		2 X fee	varies	\$ 750.00		3 X fee	varies				varies
Work done without benefit of permit (extensive)	\$ 1,000.00		2 X fee	varies	\$ 1,000.00		2 X fee	varies				varies
Illegal cutting pavement (in addition to permit costs)	\$ 1,000.00		plus \$ 0.25 sf	varies	\$ 1,000.00		plus \$ 0.50 sf	varies				varies
Failure to notify County of work done under blanket permit	\$ 1,000.00		revoked	\$ 1,000.00	\$ 1,000.00		revoked	\$ 1,000.00				\$ 1,000.00
MISCELLANEOUS												
Miscellaneous Plan Review / Field Review	varies				varies							varies
Current DBF hourly labor / equipment usage rate												

EXHIBIT "B"

Revenue Received vs. Expenditures by Fiscal Year

	Expenditures	Revenue	Surplus / (Shortfall)
July 2003-Jun 2004	\$1,391,000.00	\$862,000.00	(\$529,000.00)
July 2004-Jun 2005	\$1,912,000.00	\$1,776,000.00	(\$136,000.00)
July 2005-Jun 2006	\$2,021,000.00	\$1,428,000.00	(\$593,000.00)
July 2006-Jun 2007	\$1,930,000.00	\$1,518,000.00	(\$412,000.00)
July 2007-Jun 2008	\$2,032,000.00	\$978,000.00	(\$1,054,000.00)
Average	\$1,857,200.00	\$1,312,400.00	(\$544,800.00)

Percentage Shortfall = 42%

APPENDIX A

ENCROACHMENT	Permit Fee	Inspection Fee		Unit Inspection Fee	Total Permit Fee
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Minor

Tree planting, trimming or removal / Private Drain	\$ 79.00	\$ 22.00	each		varies
Minor drainage structures (Std 303/309/310)	\$ 79.00	3% cost			varies
Operate and Maintain permits (Utilities)	\$ 79.00	\$ 0.00			\$ 79.00
Seismic refraction survey	\$ 79.00	\$ 210.00			\$ 289.00
Residential Driveway Approach	\$ 79.00	\$ 107.00	each		\$ 186.00
Blanket Permits-utilities					
Case 1 Minor	\$ 79.00	\$ 1,921.00		Annually	\$ 2,000.00
Case 2 Extensive	\$ 79.00	\$ 4,921.00		Annually	\$ 5,000.00
Riders (extensions of time)	\$ 79.00	\$ 0.00			\$ 79.00

Involved

Catch basin 300 (4',7',14',21',28')	\$ 129.00	3% cost			varies
Drop inlet / Overside Drain	\$ 129.00	3% cost			varies
Water / Sewer laterals	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Trap fences	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Monitoring Wells / Soil Borings	\$ 129.00	\$ 210.00	each		\$ 339.00
Landscape / Irrigation	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Commercial Driveway Approach	\$ 129.00	\$ 264.00			\$ 393.00
Grading in Right of Way	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Curbs and Gutters	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Concrete Sidewalks	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Temporary Power Poles	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Riders (changes)	\$ 129.00	plus other	appl.	charges	varies
AC Paving	\$ 129.00	\$ 210.00	plus	\$ 0.72 cy	varies
Pedestrian Benches	\$ 129.00	\$ 210.00			\$ 339.00
Utility service connections involving trenching (BH)	\$ 129.00	\$ 210.00	plus	\$ 0.23 lf	varies
Utilize Right of Way	\$ 129.00	\$ 210.00	each		\$ 339.00
Heavy equipment crossings	\$ 129.00	\$ 105.00	per day		varies
Filming	\$ 129.00	\$ 105.00	per day		varies
County required Utility Relocations	\$ 0.00	\$ 0.00			no fee

APPENDIX A

ENCROACHMENT	Permit Fee	Inspection Fee	Unit Inspection Fee	Total Permit Fee
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Extensive

Dry / Wet Utility trenches (less than 1000 feet)	\$ 179.00	\$ 210.00	plus	\$ 0.23 lf	varies
Road Closures	\$ 179.00	\$ 105.00	per day		varies
Street Water, Sewer, Storm drain (IP's Only)	\$ 179.00	\$ 0.00			\$ 179.00
Storm Drains	\$ 179.00	\$ 210.00	plus	\$ 0.23 lf	varies

Deposit Based

Traffic Signal	\$ 129.00	3% cost			varies
Bridges and Drainage Structures	\$ 179.00	3% cost			varies
Permanent Poles / Aerial Cable	\$ 179.00	\$ 210.00	plus	\$ 0.23 lf	varies
Dry / Wet Utility trenches (1000 feet +)	\$ 465.00	\$ 210.00	plus	\$ 0.23 lf	varies

Penalties

Work done without benefit of permit (minor)	\$ 500.00		plus	3X fee	varies
Work done without benefit of permit (involved)	\$ 750.00		plus	3X fee	varies
Work done without benefit of permit (extensive)	\$ 1,000.00		plus	2X fee	varies
Illegal cutting pavement (in addition to permit costs)	\$ 1,000.00		plus	0.50 sf	varies
Failure to notify County of work done under blanket permit	\$ 1,000.00			Revoked	\$1,000.00

Miscellaneous

Miscellaneous Plan Review / Field Review	varies	Current DBF hourly labor / equip. usage rates
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