

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



ITEM
3.7
(ID # 2867)

MEETING DATE:
Tuesday, January 24, 2017

FROM : TLMA-TRANSPORTATION:

SUBJECT: TLMA-TRANSPORTATION: Initiation of an Amendment to Ordinance No. 499, Relating to Encroachments in the County of Riverside Highways. All Districts; [\$5,000 - total cost local funds]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order to Initiate an Amendment to Ordinance No. 499, Relating to encroachments in the County of Riverside (County) Highways, as further described below; and
2. Direct the County of Riverside Transportation Department (Transportation Department) to work with County Counsel to prepare and process the Amendment to Ordinance No. 499.

ACTION: Policy


FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 5,000	\$ 0	\$ 5,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% Gas Tax. No general fund			Budget Adjustment: N/A	
			For Fiscal Year: 16/17	

C.E.O. RECOMMENDATION: Approve

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Washington and Ashley
Nays: None
Absent: Tavaglione
Date: January 24, 2017
xc: Transp., Co.Co.

Kecia Harper-Ihem
 Clerk of the Board
 By: 
 Deputy

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BACKGROUND:

Summary

Ordinance No. 499 ("Encroachment Permit Ordinance") is the County ordinance regulating encroachments in County road rights-of-way, also referenced as "County Highways". The Encroachment Permit Ordinance applies to work done within the County rights-of way by utility companies authorized under a valid franchise agreement, special districts, public agencies, and private parties.

The current version of the Encroachment Permit Ordinance, Ordinance No. 499.13, was adopted by the Board of Supervisors on May 8, 2012 (Agenda Item 3.22), and primarily addressed adjustments to the fee schedule related to projects involving Solar Power Plants. The purpose of this amendment is to update and clarify the ordinance language to better plan, design and construct public works projects. In addition, formatting and editing changes are desired to modernize the ordinance to make it consistent with current ordinance practice.

The proposed changes to Ordinance No. 499 were submitted, formally and informally, to all known utility owners in Riverside County and stakeholders, and meetings have been held with some of the major Utility owners over the past three years. Regular coordination meetings between the County and utility companies will be implemented to strengthen communication and partnerships. The utility owners which operate within Riverside County are in general agreement with the proposed language changes. Outreach on the proposed changes to the utility owners included:

- Early communications and meetings with Edison, the Gas Company, AT&T (California), and Verizon Communications through the Inland Empire Inter-Utility Coordinating Council (IUCC).
- Formal submission of the draft ordinance changes to all known utility owners operating in Riverside County.
- Review and consideration of all submissions/responses, and extensive revisions of the Ordinance at the request of the utility owners.

Summary of major proposed changes in the amendment to Ordinance No. 499 are as follows:

- **Precise Location of Utilities (Potholing):** The County has the right, under case law, to order the precise location of utilities for design purposes and to avoid conflicting utilities if at all possible. The current language to Ordinance No. 499 can be misleading and the proposed language will clarify the County's right to order precise location of utilities.
- **Time Frames for submittals to County:** The proposed language will require utility owners to provide as-built plans, relocation plans, potholing results, and other information within a specified time frame in order to not delay County's public works projects.
- **Utility Services:** The proposed language will clarify that utility service facilities (i.e. water, sewer, gas, electric and telecommunication to residences and businesses) within the County rights-of-way, are the responsibility of the utility owner.

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- **Multiple stage relocations:** The proposed language will clarify that the utility owner is responsible for the cost of the relocation of utility facilities, even if multiple-stage relocation is either necessary or chosen by the utility owner provided that the utility owner does not have prior rights.
- **Identification of Underground facilities:** The proposed language will require that utility owners install new underground facilities in a manner that allows those facilities to be traced.
- **Freeze on the installation of utilities:** The proposed language will reinforce the practice of the Transportation Department to not allow new utility installations within three (3) years of the construction of major road improvements. Emergency repairs and new services will still be allowed, but prohibits new main-line installations on newly constructed roadways of significant scope, so as to preserve the major investment of the County.
- **Relocations for public safety:** The proposed language affirms the right of the County to order the relocation of utility facilities for the purpose of public safety. This mainly applies to above ground objects like a power pole or a fire hydrant that is in close proximity to the edge of travel way.
- **Cost incurred to County due to the presence of permitted utilities:** The proposed language affirms the responsibility of the utility owner for all costs associated with the presence of the utility facility within County rights-of-way. The County should not incur costs for protection of a utility facility installed in County Rights-of-Way under an encroachment permit.

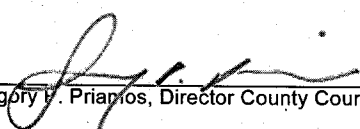
The Transportation Department and County Counsel will coordinate to prepare, process, and implement the ordinance amendment. The cost for staff to complete this work is estimated to be \$5,000.

Impact on Residents and Businesses

The County expends a significant amount of time and public funds to construct and maintain road, bridge, drainage and signal improvements throughout the County. The proposed changes will update and clarify the ordinance language; and put in place guidelines for those that install encroachments within County road rights-of-way. The proposed changes will help avoid contract delays and additional costs as well as minimize the detrimental impacts to new roads by untimely utility installations.

ATTACHMENTS:

N/A



Gregory F. Priamos, Director County Counsel 12/29/2016

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Lea Petersen

Address: 7000 Indiana Ave
(only if follow-up mail response requested)

City: Riverside **Zip:** 92501

Phone #: 909-335-7631

Date: 7/ **Agenda #** 3.7

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.