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

MEETING DATE:  
Tuesday, June 20, 2017

FROM: TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/ TRANSPORTATION:  
Introduction of Ordinance No. 499.14, Amending Riverside County Ordinance No. 499, Relating to Encroachments in the County of Riverside Highways. (Clerk to Publish Summary) All Districts; [$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and Waive Further Reading of Ordinance No. 499.14, an Ordinance of the County of Riverside (County) amending Ordinance No. 499, Relating to encroachments in County Highways; and

2. Direct the Clerk of the Board to publish the summary of the proposed Ordinance No. 499.14 and post the full text of the proposed Ordinance No. 499.14 either at the Clerk of the Board office or on the County website at least five (5) days prior to the Board of Supervisors’ meeting at which Ordinance No. 499.14 is to be adopted pursuant to Government Code Section 25124.

ACTION: Policy
C.E.O. RECOMMENDATION: Approve

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 ("Board") on May 8, 2012 (Agenda Item 3-22), and primarily addressed adjustments to the fee schedule related to projects involving Solar Power Plants. On February 24, 2009, (Agenda Item 9.7) the Board adopted a revised fee schedule and provide the fee structure related to the encroachment type. The purpose of this amendment is to update and clarify the ordinance language to better address the process for utility companies to perform work with the County's rights-of-way under valid agreements and encroachment permits as well as to better plan, design, construct and protect 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. 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 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:
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- **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.

- **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 the utility owners to install new underground facilities in a manner that allows those facilities to be traced.

- **Moratorium on the installation of utilities:** The proposed language will reinforce the practice of the County of Riverside Transportation Department (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.

On January 24, 2017 by Agenda Item 3.7, the Board of Supervisors (Board) adopted an order to initiate an Amendment to Ordinance No. 499 to add the language as described above and to provide other administrative revisions for consistency, clarification and direction. It is anticipated that the adoption of Ordinance No. 499.14, amending Riverside County Ordinance No. 499, will occur on the first successive week a Board meeting is held after introduction by this Board of the same.

This Amendment to Ordinance No. 499, Ordinance No. 499.14, has been approved as to form by County Counsel.

**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:
Ordinance No. 499.14
Summary of Ordinance No. 499.14