

**Attachment 2 – City of Eureka Request for Transfer of Work Credits and  
Resolution Designating Underground Utility District 11**

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## CITY OF EUREKA

### PUBLIC WORKS DEPARTMENT

531 K Street • Eureka, California 95501-1146 • Fax 707-441-4202

Administration: 707-441-4203 • Engineering: 707-441-4194

Building: 707-441-4155 • Utility Operations: 707-441-4364

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Tom Mattson  
Humboldt County Public Works Director  
Eureka, CA 95501

August 2, 2019

Subject: Underground Utilities Rule 20A Funding Request

Mr. Mattson,

The City of Eureka is currently working with PG&E (the lead agency) on a Rule 20A Underground Utilities Project on 4th Street (Southbound Hwy 101), from O Street to the Eureka Slough Bridge. This project will remove unsightly overhead lines from the north entrance of the City.

To date the City has passed a resolution to establish the Underground Utility District 11, notified all property owners, held a public hearing, purchased Easements for utility infrastructure and completed the design. The City and PG&E have been working for years on a schedule to ensure this project is completed before a Caltrans project to improve the same area with ADA safety upgrades and full width paving occurs. Our project is scheduled to start construction in October of 2019 and conclude in the spring of 2020. We have worked closely with Caltrans throughout the design phase to ensure that both projects are completed on schedule.

Bids for the project were recently opened resulting in five bids and a low bid of \$6.7 million. The low bid is \$2.7 million over the engineers estimated cost of \$4.0 million. The City currently has \$4.2 million in R 20A funds available plus the ability to borrow five years of credits for a total of \$5.2 million. We respectfully request that the County Board of Supervisors allocate to the City of Eureka \$1,500,000 from the County's Rule 20A work credit funds to fully fund this project. Any unused amount of funds will be returned to the County.

If you have any questions do not hesitate to contact me. We will also be glad to appear before the Board to answer any questions.

Sincerely,

Jesse J. Willor, P.E.

City of Eureka | City Engineer

**Engineering**

Construction  
Development  
Transportation

**Field Operations**

Water Distribution  
Wastewater Collection  
Equipment Operations

**Building**

Construction Regulation  
Code Enforcement

**Utility Operations**

Water and Wastewater Treatment  
Stormwater  
Pretreatment

RESOLUTION NO. 2017-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ESTABLISHING AN UNDERGROUND UTILITY DISTRICT IN A PORTION OF THE CITY OF EUREKA DESIGNATING SAID DISTRICT AN UNDERGROUND UTILITY DISTRICT NO. 11, DESCRIBING THE BOUNDARIES OF SAID DISTRICT AND ESTABLISHING THE TIMES IN WHICH POLES AND OVERHEAD WIRES SHALL BE REMOVED AND UNDERGROUND SERVICES PROVIDED

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 City of Eureka, has adopted a resolution, codified as Chapter 52 UNDERGROUND UTILITY DISTRICTS in the Eureka Municipal Code, authorizing the City Council 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, the Director of Public Works for the City of Eureka has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the 4<sup>th</sup> Street Underground Utility District No. 11 and more particularly described in Exhibit 1 attached hereto and incorporated herein by reference, 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/OR ]

[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/OR]

[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/OR]

[that the street or 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,] and

WHEREAS, each year the City of Eureka 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 City of Eureka has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the

City may borrow against future credits sufficient to complete the proposed overhead to underground conversion project, and

WHEREAS, the City of Eureka and the affected utilities have agreed by letter that each utility shall complete the engineering of their respective portion of the 4<sup>th</sup> Street Overhead to Underground Utility Conversion Project, and

WHEREAS, the City of Eureka and the affected utilities have consulted and PG&E shall be responsible for preparation of the trench profile and composite drawings and that PG&E 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 City of Eureka and the affected utilities have agreed on a work schedule which meets their respective capabilities and further agreed to waive any administrative fees, costs or special street restoration requirements for purposes of this project, and

WHEREAS, to the extent required, the City of Eureka has agreed to provide 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 City Council of the City of Eureka has now received the report from the Director of Public Works recommending that the area identified in Exhibit A 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, upon the recommendation of the Director of Public Works, the City Council of the City of Eureka has determined that the proposed 4<sup>th</sup> Street Underground Utility District No. 11 is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, the City of Eureka has notified all affected property owners within the proposed 4<sup>th</sup> Street Underground Utility District No. 11 and inviting same to attend a public hearing to discuss formation of the proposed district, and

WHEREAS, the City Council of the City of Eureka held public hearings at which time the Council did receive and consider the recommendation of the City 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;



NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Eureka that:

Section 1. The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights, traffic signals or trolley lines], 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 Exhibit A, attached hereto, with such area being designated as the 4<sup>th</sup> Street Underground Utility District No. 11, and

Section 2. That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in 4<sup>th</sup> Street Underground Utility District No. 11 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 4<sup>th</sup> Street Underground Utility District No. 11 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 City of Eureka, and

Section 4. That the utility which undertakes underground installation of its facilities shall use said underground conversion allocation, up to a maximum amount of \$1500 per service entrance excluding permit fees, and shall utilize Rule 20A credits for the remaining expense for the conversion of electric service panels to accept underground service in the Underground Utility District No. 11, and each property owner shall be financially responsible for the 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 4<sup>th</sup> Street Underground Utility District No. 11 shall have underground electrical entrance facilities installed and inspected pursuant to the City of Eureka 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 4<sup>th</sup> Street Underground Utility District No. 11, by May 31, 2020.

Section 7. That the Engineering Department is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 11 of the adoption of this resolution within ten (10) days after the date of such adoption. Shall further notify said property owners of the necessity that, if they or any person occupying such property desires to continue to receive electric, communication of other similar or associated service, they, or such occupant, shall by the date fixed in this resolution provide all necessary facility changes on their

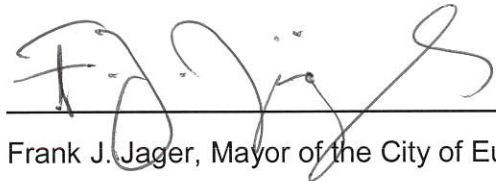
premises so as to receive such service from the lines on the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the California Public Utilities Commission. Such notification shall be made by mailing a copy of this resolution together with a copy of Chapter 52 of the City of Eureka Municipal Code, to affected property owners.

The foregoing resolution was adopted by the City Council of the City of Eureka on April 4, 2017 by the following votes:

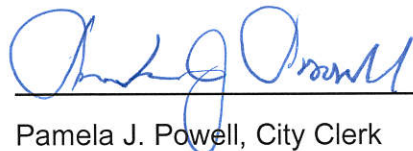
AYES: BRADY, MESSNER, BERGEL, ALLISON, ARROYO

NOES:

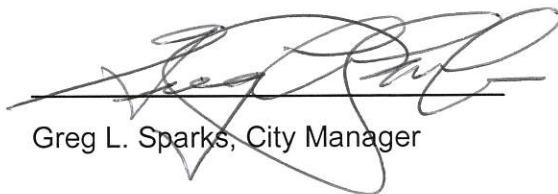
ABSENT:

  
Frank J. Jager, Mayor of the City of Eureka


*Attest:*

  
Pamela J. Powell, City Clerk

*Approved as to Administration:*

  
Greg L. Sparks, City Manager

*Approved as to form:*

  
Cyndy Day-Wilson, City Attorney



The map displays a residential street grid. A red boundary line encloses a large area, with a smaller red line segment along the waterfront. The streets shown are Waterfront Dr, 2nd St, 3rd St, 4th St, 5th St, O St, P St, Q St, R St, S St, T St, U St, V St, W St, X St, and Y St. A red line runs along the waterfront, and a red line also runs along the waterfront. The map includes numbered lots (1-48) and a 'named' area (24-29). A red line also runs along the waterfront.

No.	APN	Address	No.	APN	Address	No.	APN	Address
1	002-032-009-000	1401 Fourth Street	17	002-102-003-000		33	002-134-008-000	2104 Fourth Street
2	002-032-008-000	1413 Fourth Street	18	002-101-010-000	315 'V' Street	34	002-104-006-000	2014 Fourth Street
3	002-032-007-000	1419 Fourth Street	19	002-101-011-000	2111 Fourth Street	35	002-104-001-000	2006 Fourth Street
4	002-032-005-000	1425 Fourth Street	20	002-101-005-000	2125 Fourth Street	36	002-105-011-000	1906 Fourth Street
5	002-032-004-000	334 'P' Street	21	002-101-004-000	2133 Fourth Street	37	002-071-003-000	404 'T' Street
6	002-031-007-000	1505 Fourth Street	22	002-132-008-000	2223 Fourth Street	38	002-071-002-000	1816 Fourth Street
7	002-031-006-000	1515 Fourth Street	23	002-131-010-000	321 'X' Street	39	002-071-001-000	1806 Fourth Street
8	002-031-005-000	1521 Fourth Street	24	002-131-011-000		40	002-072-023-000	1730 Fourth Street
9	002-031-004-000	1537 Fourth Street	25	002-131-013-000		41	002-072-021-000	1718 Fourth Street
10	002-066-007-000	333 'Q' Street	26	002-131-012-000	2335 Fourth Street	42	002-073-004-000	
11	002-066-012-000	1631 Fourth Street	27	002-201-008-000	2525 Fourth Street	43	002-073-003-000	1630 Fourth Street
12	002-065-012-000	1711 Fourth Street	28	002-251-001-000		44	002-073-002-000	1616 Fourth Street
13	002-065-006-000	1737 Fourth Street	29	002-133-002-000	2228 Fourth Street	45	002-073-001-000	1604 Fourth Street
14	002-064-006-000	1805 Fourth Street	30	002-133-003-000	2216 Fourth Street	46	002-034-001-000	
15	002-064-008-000	1835 Fourth Street	31	002-134-004-000	2120 Fourth Street	47	002-035-001-000	1500 Fourth Street
16	002-102-009-000	1929 Fourth Street	32	002-134-007-000	2116 Fourth Street	48	002-035-002-000	402 'P' Street