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Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute an Agreement with Pacific Gas and Electric Company for Abandoned Facilities

SUMMARY AND RECOMMENDATIONS

This agreement memorializes best practices and City standards with respect to abandoning unused underground gas and electric conveyance systems within the City’s right of way.

Staff recommends authorizing execution of the agreement by the City Manager or her designee.

BACKGROUND

Pacific Gas and Electric Company (PG&E) holds a franchise agreement for distribution of natural gas and electricity within San Leandro. The franchise agreement permits use of the public right of way for construction and maintenance of a transport and distribution system but is silent with respect to abandoned facilities that are no longer in use.

Section 5-1-300 of the San Leandro Municipal Code authorizes the Engineering and Transportation Director to establish standards for encroachments within the public right of way as required to protect the safety and convenience of the public.

Utility companies have historically left abandoned facilities in the roadway but in 2015, after an abandoned gas transmission line delayed storm drain work on the Siempre Verde Park project for several months, the practice of abandoning underground utilities in place was put on hold within San Leandro.

Analysis

In exchange for permission to leave abandoned underground facilities in place, PG&E has offered to maintain records of the location of the facilities, provide records upon request, mark locations of abandoned facilities upon request, and remove the portion of abandoned facilities in conflict with new or proposed improvements. These terms are included in the proposed agreement.

As abandoned facilities can be difficult to identify, this agreement obligates PG&E to keep accurate records of any facilities that they abandon. Abandoned facilities occupy some of the finite space under City roadways and that space may someday be required for new active underground utilities such as fiber optics or storm drains. PG&E has agreed to remove their abandoned facilities when the space they occupy is needed for another improvement.

The City could require that unused facilities be completely removed rather than abandoned in place to eliminate any future utility conflicts. Unfortunately, wholesale removal significantly increases the duration of construction work which results in higher costs and more inconvenience for the public. To balance cost impacts and public inconvenience, it is recommended that our standard shall be to remove only the portions of abandoned underground utility in conflict with new work and to require accurate recording and locating abandoned utilities left in place as to minimize these impacts, maximize the effectiveness of PG&E's maintenance budget, and ensure that the underground space will be available when needed.

Current Agency Policies

- Maintain and enhance San Leandro's infrastructure

Previous Actions

- On January 24, 1938 by Ordinance No. 535 N.S. the City council granted a franchise agreement for gas distribution to PG&E.
- On January 24, 1938 by Ordinance No. 536 N.S. the City council granted a franchise agreement for electricity distribution to PG&E.

Applicable General Plan Policies

Goal CSF-6: Ensure that local water, sewer, storm drainage, solid waste, energy, and telecommunication facilities are well maintained; improvements meet existing and future needs; and land use decisions are contingent on the adequacy and maintenance of such facilities.

Environmental Review

Operation and repair of existing facilities is exempt from environmental review per section 15301 of the California Code of Regulations (California Environmental Quality Act).

Fiscal Impacts

The City will not incur any costs as a result of this agreement. On future projects, PG&E's tracking of abandoned facilities will reduce the City's costs of coordination and potentially construction.

Attachment to Related Legislative File

- PG&E Abandoned Facility Agreement

PREPARED BY: Nick Thom, City Engineer, Engineering and Transportation Department