



Memorandum

To: HONORABLE MAYOR
AND CITY COUNCIL

From: David Sykes

SUBJECT: SEE BELOW

DATE: April 23, 2012

Approved

Date

5/1/12

**SUBJECT: REPORT ON THE RULE 20A AND RULE 20B (IN-LIEU FEE)
UNDERGROUND UTILITY PROGRAM AND 2011/12- 2016/17
WORKPLAN**

RECOMMENDATION

Approve the proposed Fiscal Year 2011/12- 2016/17 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.

OUTCOME

Approval of the proposed Fiscal Year 2011/12- 2016/17 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program will guide Public Works staff and utility companies to program funds, assign project priorities, and establish, design and construct the proposed overhead-to-underground utility conversion projects.

EXECUTIVE SUMMARY

The Rule 20A and 20B (In-Lieu Fee) Underground Utility Program report provides information on the City's utility undergrounding program and projects. In addition, the proposed workplan will instruct Public Works staff and utility companies to program funds, assign project priorities, and establish, design and construct overhead-to-underground utility conversion projects. The proposed workplan reflects Council policy and focuses on timely delivery of projects allowing more aggressive draw-down of the City of San José's current \$53,000,000 Rule 20A allocation balance. Staff continues to meet monthly with all utilities to monitor schedules and address issues and concerns as they arise.

BACKGROUND

Three programs are used to fulfill the General Plan goal of converting overhead utilities to underground systems. These programs are described as follows;

RULE 20A PROGRAM – In 1968, the California Public Utilities Commission (CPUC) and utility companies established a program to “underground” utilities across the State. Under Rule 20A, Pacific Gas and Electric Company (PG&E) allocates funds, on a calendar year basis, to convert existing overhead electrical facilities to underground electrical facilities within the communities it serves. PG&E considers Rule 20A allocations as a tool to allow cities and counties to evaluate and prioritize undergrounding projects within their respective jurisdictions. These allocations accumulate until they are expended for undergrounding projects. PG&E uses its own funds to design and construct Rule 20A projects, and once the projects are completed, the cost is recovered through incremental utility rate increases.

Other CPUC rules, tariffs and legislation require AT&T to convert its facilities in a similar manner to the Rule 20A Program. Pursuant to federal law and its franchise agreement with the City, Comcast is required to budget its own funds for the conversion of its facilities within the districts legislated for Rule 20A funding.

The 2012 calendar year allocation of PG&E funds for the City of San José is \$2,200,000, which is lower than the previous 10 year average annual allocation of \$4,200,000. This reduction is due to over allocation by PG&E during the previous 10 years. The annual allocation amount for San José is expected to remain at \$2,200,000 until calendar year 2014.

In addition, PG&E has provided a one-time credit of \$700,000 to the City’s allocation balance this year due to overcharges to the allocation for the West San Carlos Street and Capitol Avenue Phase I projects from previous years. PG&E decreased the City’s total allocation twice for some 20A project costs from previous years. This one-time credit reverses the double charges to the City’s previous total allocation. The over allocation and overcharges were discovered during a PG&E self-imposed audit of the 20A program.

Although the funds for this program are never actually transferred to the City for use by the City, City staff programs, the money toward conversions on arterial and major collector streets as specified in the Rule 20A tariff. These allocations accumulate until they are expended for undergrounding projects. The current accumulated allocation totals approximately \$53,00,000.

RULE 20B (IN-LIEU FEE) PROGRAM – Undergrounding may be accomplished through the City's establishment of an In-Lieu Fee Program which allows the City to accumulate funds from developers to underground large aggregated projects rather than requiring developers to perform the undergrounding themselves on a project-by-project basis. This results in the more efficient use of engineering staff, construction crews, and utility company resources, thus lowering unit costs for design and construction. Rule 20B funds are leveraged against 20A allocations as opportunities arise to construct larger projects which provide a greater economy of scale.

Chapter 15.26 of the San José Municipal Code (Undergrounding Utility Fee Ordinance), requires that developers either: 1) pay a fee, per foot of frontage, in-lieu of performing the overhead-to-underground conversions along the street frontage where their development is occurring; or 2) as a condition of development, underground the overhead utility facilities on the street or streets adjacent to the project. For the latter option, the Undergrounding Utility Fee Ordinance allows the use of previous fee payments collected within the limits of undergrounding to partially offset developer construction costs for completing underground utility projects. Only those projects that develop adjacent to designated streets as defined in the Undergrounding Utility Fee Ordinance are subject to the undergrounding in-lieu fee conditions.

In 2009, the City Council approved an amendment to the Undergrounding Utility Fee Ordinance that allows: 1) automatic adjustment of the Undergrounding Utility Fee based on Engineering News Record (ENR) 20-City Average Construction Cost Index or its equivalent; 2) reimbursement to developers for completion of underground utility projects; and 3) other technical changes. Based on latest ENR data, effective December 2, 2011, the Underground Utility Fee was adjusted from \$409 to \$412 per linear foot frontage. Fees are collected from developments on both sides of the street regardless of the side which has the actual overhead facility. This fee was based on an average City cost of \$824 per linear foot to complete larger undergrounding conversion projects.

In-Lieu fees are programmed to be expended in areas per the In-Lieu Fee Undergrounding Master Plan. As long as these fees are committed to projects in the approved Master Plan, they are considered programmed and not subject to refund. The In-Lieu Fee Master Plan was approved by Council on December 13, 2011.

RULE 20C PROGRAM – In some instances, developers, neighborhood and business associations, or other agencies may pursue completing underground conversions themselves. These conversions do not meet the criteria for Rule 20A or 20B, are typically less than 600 feet long, and are coordinated directly between the utility companies and the interested party.

Underground Utility Program Activity

Since 1968, the City has legislated 139 Underground Utility Districts, of which:

- 126 projects have been completed
- 1 project is in construction
- 12 projects are in design

The Rule 20A and 20B Underground Utility Programs are currently administered in accordance with the Rule 20A 2010/11 – 2015/16 Workplan accepted by Council on April 26, 2011. The current status of the Rule 20A and Rule 20B programs and the implementation of the current Workplan are presented in Attachment A.

Other attachments to this memorandum related to the Rules 20A and 20B Programs include:

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- 2010/11 -2015/16 Workplan Status (Attachment A)
- 2011/12- 2016/17 Workplan (Attachment B)
- Summary of Changes since the Last Report (Attachment C)
- Proposed Future Rule 20A Underground Utility Projects (Attachment D)
- Criteria for Evaluating Rule 20A & 20B (In-Lieu Fee) Underground Utility Projects (Attachment E).

The Workplan provides guidance to Public Works staff regarding the establishment, design, and construction of the proposed overhead-to-underground utility conversion projects.

CALIFORNIA PUBLIC UTILITY ADVICE LETTERS AND TARIFF AGREEMENTS

In April 2010, PG&E began seeking the City's approval of agreements with PG&E which PG&E contended were necessary in order for PG&E to proceed with street light conversions and electrical panel conversions for the Rule 20A projects. City staff reviewed the agreements and advised PG&E in writing that the street light conversion agreement was not necessary and the electrical panel conversion agreement violated certain provisions of the San José Municipal Code.

After communicating further with PG&E regarding the City's position, PG&E agreed to move forward with the construction of Rule 20A projects without the conversion agreements. The letter was sufficient for PG&E to proceed with the construction of Rule 20A projects. During the discussions regarding these agreements, the City requested PG&E notify City staff of any future agreements that would impact Rule 20A projects.

In January 2011, PG&E provided the City with an "Agreement to Perform Tariff Schedule Related Work, Rule 20A General Conditions" (Agreement), which was approved by the CPUC, on December 31, 2010. The Agreement was not provided to the City for review prior to its approval by the CPUC, although the City had asked that PG&E provide notice of such agreements. PG&E initially took the position that the City would have to agree to the terms of the Agreement in order for PG&E to construct the City's Rule 20A projects. Although Rule 20A itself does not require that such an agreement be in place in order for the City to receive project funding. PG&E advised staff that the Agreement is necessary in order to "clarify" the responsibilities of Rule 20A project applicants and PG&E.

Staff from the Public Works Department and the City Attorney's Office reviewed the Agreement and found that it was problematic for a number of legal and business reasons. For example, the Agreement requires the City to waive provisions of the City's encroachment permit ordinance (S.J.M.C. Chapter 15.50.) such as "work hour restrictions for construction" which are established for the public's health and safety and are required by the encroachment permit ordinance. Another provision of the Agreement requires the City to "waive all permit fees and other incidental project specific costs, including but not limited to: parking charges; rental costs of county properties; and lost revenues." The City is unable to comply with these requirements because they are overly broad and beyond the City's practical and legal ability to perform i.e.,

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the City cannot waive the “rental costs of county properties” which the City has no authority to do.

The City analyzed each of the Agreement terms and provided PG&E with a detailed written response advising PG&E which of the terms it could and could not agree to. Throughout the past several months, Public Works staff has been negotiating with PG&E over the terms of the Agreement. As indicated above, PG&E initially took the position that it would not proceed with the projects identified on the City’s Workplan unless the Agreement was executed by the City which would have delayed progress on the Workplan. However, on February 29, 2012, PG&E withdrew its previous position and agreed that it would continue working on the City’s 20A projects and not delay the 11 projects that have been legislated by the City Council.

During the negotiations with PG&E, staff discovered that a number of other cities, including Oakland, Hayward, and Campbell were experiencing the same issues with PG&E and were concerned about the legality of the Agreement. Moving forward, since the other cities have similar concerns with the Agreement as San José does, PG&E offered to facilitate a workshop with all cities interested in a cooperative effort to find solutions to the cities’ concerns regarding the Agreement. It is anticipated that the workshop will be held some time during summer 2012 and that there may be subsequent proceedings before the CPUC modifying the Agreement.

The City agreed to not proceed with legislation of any new undergrounding districts until the workshop is completed in summer 2012. As a result, the scheduling of proposed Rule 20A districts that have not been approved by the City Council, which are described in this Workplan, will be delayed until the City’s concerns about the Agreement can be resolved. It is expected the results of the proposed summer 2012 workshop will be incorporated into the “Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program 2012/13 – 2017/18 Workplan.”

ANALYSIS

In the previous decade, there was a backlog of Rule 20A projects due to lack of utility company funding and utility resource issues. Staff continuously worked with PG&E, held several workshops, and developed guidelines to implement the program in a more timely fashion. As a result, in May 2007, PG&E and the other utility companies agreed to implement a more aggressive work plan; planning to spend approximately \$15 to \$20 million per year in San José for utility undergrounding work.

Although some projects in the work plan have experienced delays due to PG&E design and coordination challenges, there has been a dramatic increase in the amount of design and construction activities since FY 2008-2009 compared to previous years. PG&E continues to make adjustments to staffing levels and to streamline its processes in order to deliver Rule 20A projects as promised. Recently PG&E made staffing changes to the Rule 20A Program by dedicating two project managers to the program. This means that the two new project managers will be focusing on Rule 20A projects and will not be performing standard service, upgrade or maintenance work.

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As indicated above, it is anticipated that the City will be expending approximately \$15,000,000 to \$20,000,000 per year of PG&E's Rule 20A funds. Projects that had been delayed due to lack of PG&E resources are ready for construction this summer, including the Evergreen, Park/Naglee, and Delmas/Park projects which have an approximate total construction value of \$14,000,000. Projects that required coordination with other jurisdictions such as Camden Avenue with the County, and Monterey Road with the State, will be in the project engineering phase. These two projects have a combined estimated construction cost of \$6,000,000.

The following highlights some of the actions that have been taken by PG&E to support San José's overall utility undergrounding program and improve the Rule 20A processes prior to this Fiscal Year:

- Dramatic increase in the amount of construction activity taking place since FY 2008-2009 (approximately \$15,000,000-\$20,000,000 each year since 2008-2009).
- Allowing 20A allocations to be applied to easement work and subsurface equipment.
- Improved communications and joint approach to problem-solving.
- Change in program process to convert private electrical services first utilizing PG&E resources, instead of property owner resources. This change should shorten construction duration, improve efficiency, and reduce City of San José allocations spent on 20A projects. The lessons learned from the pilot project, Jackson/Taylor, such as timing of construction activities, obtaining rights of entry, and permitting through the Building Department show great improvements over the previous process.

The proposed Workplan, shown in Attachment B, reflects the scheduling changes to the 20A program resulting from delays related to the implementation of the Agreement.

Projects in the Rule 20B (In-Lieu Fee) program have been reprioritized and/or rescheduled since the last report mainly due to lower revenue projections in future years collected from In-Lieu Fees. The proposed Workplan is presented on a fiscal year basis, summarizes program expenditures, preliminary project cost estimates, Rule 20A allocations, and Rule 20B (In-Lieu Fee) Fund balances. The proposed projects are listed in sequence of the target start dates for proposed construction and legislation of the underground utility districts. Overall, the projects in this program are reprioritized in accordance with the Council approved criteria, available resources and focus on completing the Workplan. A summary of the changes that have occurred since the last report is presented in Attachment C.

The Workplan identifies the City's Utility Undergrounding projects for five years; as those projects are completed potential projects are added to the five year workplan. A listing of potential Rule 20A project areas is identified in Attachment D, and a summary of the Criteria for Evaluating Underground Utility Projects is presented in Attachment E. These criteria provide a process for the selection of projects presented in the proposed workplan.

There is a current beginning balance of nearly \$53,000,000 in accumulated Rule 20A allocations for the City. Approximately \$31,000,000 is allocated to be spent in FY 2011-2012 and

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\$10,000,000 in FY 2012-2013. Historically, the City had experienced challenges in implementing the approved workplan, due to a shortfall in utility company staff resources and funding. Compounding these difficulties, the California Public Utilities Commission (CPUC) mandates that PG&E's top priority be the maintenance of system reliability without compromising safety. The CPUC has essentially taken the position that Rule 20A utility undergrounding services for existing customers are secondary to storm and heat related repairs, general system maintenance, electrical connections for new customers and system upgrades to improve capacity. In addition, unforeseen circumstances such as weather-related emergencies and the resources necessary to address deficiencies in the high pressure gas transmission program may divert utility company resources and delay Rule 20A projects.

In order to reduce the backlog, City staff attempted to negotiate with PG&E to assume the role as the lead agency for engineering and construction of Rule 20A projects. Unfortunately, the City would require a large sum of initial funding (\$3,000,000 - \$5,000,000) to bid, award and construct these types of projects. Due to current budget challenges to General Fund and other funds that could provide initial funding, City is not able to be lead agency at this time. Also, City staff requested AT&T and Comcast to take the lead in engineering and construction of Rule 20A projects to help further reduce the backlog. Both companies have stated they are unable to assume the lead role at this time because of resource issues. The City will continue to keep the option open to be a lead agency in anticipation of improvement in the budget situation, in addition to, continuing discussions with AT&T and Comcast.

To monitor schedules and ensure timely delivery of projects, staff will continue to meet with utility companies regularly to address issues and concerns as they arise. To date, utility companies are collaborating with the City and with each other to maintain the agreed upon schedules with the resources available. One of the challenges has been coordinating all three major utility companies' internal approval processes and timelines. Each utility company has various stages of internal review, design approval, construction and funding allocation. To streamline and simplify the process, staff worked closely with utility companies and developed a Best Practices guideline.

Aside from the challenges presented above, the proposed workplan is designed to draw down the accumulated and future Rule 20A allocations in an effort to maximize the number of undergrounding projects that can be delivered.

EVALUATION AND FOLLOW-UP

Staff will report on the outcome of the PG&E workshop upon its completion.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

While this action does not meet the \$1 million threshold under Criterion 1, this memorandum will be posted on the City's website for the May 15, 2012 Council agenda.

COORDINATION

This report has been coordinated with the Department of Transportation, Planning, Building and Code Enforcement, the City Attorney's Office and the City Manager's Budget Office. The Workplan has been coordinated with PG&E, AT&T and Comcast.

COST SUMMARY/IMPLICATIONS

RULE 20A PROGRAM - The cost of the overhead-to-underground conversion of PG&E facilities in the public right-of-way within underground utility districts is funded through the PG&E Rule 20A allocation to the City. It includes up to \$1,500 per service entrance for private service panel conversions. The total cost for conversion work varies project by project. Other utility companies underground their facilities at their own cost.

The administration of the Rule 20A program has historically been funded through the Operating Budget with General Funds. However, due to budget constraints in recent years, staff has been using In-Lieu fee funds for administrative costs since FY 2003-2004 and recommends the continued use of In-Lieu Fee Funds, approximately \$345,000 in FY 2012-2013, with a slight increase in future years, to support the administration of the Rule 20A program. Use of the fees for administrative costs is consistent with the scope of uses permitted in Section 15.26.120 of the Underground Utility Fee Ordinance. In 2009, the City Council approved an amendment of the Undergrounding Utility Fee Ordinance allowing the use of in lieu fees for 20A administrative costs. Over the life of the undergrounding program, Rule 20A projects will reduce the overall costs of the Rule 20B (In-Lieu) fee program.

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Administration of both programs includes the legislation of utility underground districts, hosting community meetings, reviewing and coordinating responsibilities during the design and construction phases of the project, and construction inspection. Additionally, the City is responsible for the conversion of its facilities within the Rule 20A underground utility districts, including streetlights, traffic signals, fire stations, libraries, and other City facilities. Funding for the conversion of City facilities is budgeted in the five-year Traffic CIP Program.

RULE 20B (IN-LIEU FEE) PROGRAM – The cost for the undergrounding of utilities is funded through the In-Lieu Underground Utility Fund. In addition, staff estimates a funding need of approximately \$27,000 for private service conversions, or \$1,500 per service entrance for Fiscal Year 2012-13. This funding has previously been provided by the Operating Budget with General Funds.

RULE 20A PROGRAM – In addition, funding in the amount of \$15,000 was budgeted in FY 2011-2012 for PG&E's Rule 20A private service panel conversion reimbursement program as part of the City's annual budget process. Under PG&E's Rule 20A Tariffs and Regulations, PG&E reimburses property owners up to \$1,500 per service entrance for electrical service panel conversion to receive service from the underground system. Payments, however, are made via the City. The allocation is used to accept funds from PG&E and reimburse property owners for conversion work on their properties. Beginning in FY 2012-2013, the funding is not needed as PG&E is taking responsibility on performing the electrical service panel conversion work themselves on all future projects. With City oversight to ensure proper outreach efforts, PG&E will directly coordinate conversion work with property owners.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	Total Appn.	Amt. for Contract	2011-2012 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
Remaining Project Costs			N/A			
Current Funding Available						
416	4654	Underground Utility Program	\$1,450,000	N/A	Capital, V-17	6/21/11, Ord. 28928
416	5147	Underground Utility Admin. (20B)	\$70,000	N/A	Capital, V-21	6/21/11, Ord. 28928
416	4786	Underground Utility Admin. (20A)	\$332,000	N/A	Capital, V-21	6/21/11, Ord. 28928
429	5063	Underground Utilities – City Conversions	\$1,553,000	N/A	Capital, V-804	10/18/11 Ord. No. 28979
Total Current Funding Available			\$3,405,000			

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CEQA

CEQA: Exempt, File No. PP12-049.

/s/

DAVID SYKES

Director of Public Works

For questions please contact Michael O'Connell, Deputy Director, Public Works Department, at (408) 535-8300.

Attachments A-E

ATTACHMENTS

RULE 20A & 20B (In-Lieu Fee) PROGRAM

- A** - Status of the 2010/011 - 2015/16 Rule 20A & B (In-Lieu Fee) Workplan
- B** - 2011/12- 2016/17 Rule 20A & 20B (In-Lieu Fee) Workplan
- C** - Summary of Changes since the Last Report
- D** - Areas Identified for Consideration as Future Rule 20A Underground Utility Projects
- E** - Criteria for Evaluating Rule 20A & 20B (In-Lieu Fee) Underground Utility Projects

STATUS OF THE 2010/11 - 2015/16 RULE 20A & RULE 20B (IN-LIEU FEE) WORKPLAN

1. RULE 20A UNDERGROUND UTILITY PROGRAM

Guadalupe Gardens Rule 20A Underground Utility District (UUD),

Hedding/Taylor/Coleman: This project complements the Guadalupe Gardens Master Plan, and the Taylor Street Roadway Widening and Coleman/I-880 Interchange Projects. Substructure installation and private property electrical service panel conversion has been completed. The project was completed in Summer 2011.

Market/Almaden Rule 20A UUD, (Reed, Pierce, Williams, Balbach and Viola Streets): This project was legislated in June 2006. The construction start of this project was slightly delayed because of utility company resources issues and coordination challenges with the Market/Almaden Neighborhood Association (MANA). The project was completed in Summer 2011.

Jackson/ Taylor Rule 20A and Rule 20B UUD: This project was legislated in November 2005 and construction started in March 2009. Substructure installation has been completed. Currently, utility companies are pulling wires and installing facilities which are expected to be completed by March 2012. Initially, this project was delayed because of design issues and coordination amongst utilities. This project is funded through a combination of Rule 20A and Rule 20B (In-Lieu-Fee) funds and is being constructed as one large project. This project is being coordinated with Japantown Business Association and San Jose Redevelopment Agency's plans for the Japantown neighborhood. The project is expected to be complete in April 2012.

Park/Naglee Rule 20A UUD: This project was legislated in May 2006 to complement the Rose Garden neighborhood and the new Rose Garden Branch Library. PG&E is finalizing design and the project is scheduled to start construction in June 2012. During design, PG&E discovered the need for poles at four locations to maintain service to back lot properties. PG&E and City staff attempted to obtain easements from four property owners, but were not successful. Staff is also assisting PG&E in obtaining rights of entry from property owners that would allow a PG&E subcontractor to perform the electrical service panel conversions on behalf of the property owner. Four of 33 properties remain to respond to the rights of entry. The project is slightly behind schedule because of ongoing negotiations with the property owners and design change to include a fiber company in the joint trench. Since the easement could not be obtained, staff will recommend an exception to allow four utility poles to remain within the public right-of-way.

Prior to start of design, several property owners were contacted by the City on behalf of PG&E to obtain easements for above ground cabinets. All but two property owners denied the request. However, because of successful negotiations with PG&E on the aboveground cabinet and easement issues, this is a non-issue as PG&E has agreed to place the majority of the facilities subsurface in the public right-of-way.

Stevens Creek Rule 20A UUD: This project was legislated in February 2004 as a complement to the City of Cupertino's utility undergrounding project on Stevens Creek Boulevard. This project was completed in February 2012. The project was delayed for the following reasons: (1) Pending issues regarding aboveground cabinets and easements within the City of Cupertino, and (2) the City of San José has included in its schedule, a number of higher-priority projects. The project was completed March 2012.

Evergreen Park Rule 20A UUD: This project was legislated in June 1988 and is scheduled to start construction in May 2012. This project was originally delayed because PG&E was unable to obtain an easement from the School District on the north side of Yerba Buena Road (east of San Felipe Road) for the placement of facilities. PG&E is redesigning the project to develop an alternate solution to the easement issue.

Delmas/Park Rule 20A/B UUD: This project was legislated in February 2008 and is being funded by Rule 20A and Rule 20B (In-Lieu Fee) funds. PG&E is lead on the Rule 20A portion of the project and is scheduled to start construction in June 2012. The City is assisting the utility companies obtaining easements along Delmas Avenue from two developers. Rights of entry are also required for PG&E to perform the electrical service panel conversions. Fifteen of 68 properties have not responded to the rights of entry request, the City and the Park/Delmas Neighborhood Association are attempting to re-contact the 15 property owners. The City is the lead on the Rule 20B portion of the project. Due to right-of-way issues, possible widening of Park Ave and congested right-of-way with existing utilities, the Rule 20B portion of the project is tentatively scheduled to start construction in August 2012.

Coleman Avenue Rule 20A UUD: This project is being developed in close coordination with the Coleman Avenue Widening Project and the Autumn Street Extension Project. The district will also remove the only remaining overhead along Market Street in the downtown area. PG&E and City staff have agreed to split this project into two phases.

The Phase I project is located along Devine Street between San Pedro and 1st Streets and along Market Street between Julian and St. James Streets. Phase I may be constructed independently from the Phase II project. Phase I is expected to start construction in January 2015.

The Phase II project is located on Coleman Avenue from Hedding to Empire Streets. The Phase II project cannot begin design until rights of way for the widening of Coleman Avenue have been obtained and a preliminary design for the widening is available. The rights of way and preliminary design of the roadway will minimize any potential relocations or changes in grade for the equipment installed by the undergrounding. The start of construction for Phase II cannot be determined until the City obtains the rights of way necessary for the widening.

2. RULE 20B (IN-LIEU FEE) UNDERGROUND UTILITY PROGRAM

Fruitdale Avenue UUD – This UUD was legislated in 1996. Design and construction of this project has been postponed because of uncertainty with the adjacent development project.

Jackson/ Taylor Rule 20B UUD – See Above

Delmas/Park Rule 20A/B UUD – See Above

**RULE 20A and RULE 20B (IN-LIEU FEE)
UNDERGROUND UTILITY PROGRAM
2011/12 - 2016/2017 WORKPLAN**

PROPOSED PROJECT	TYPE OF PROJECT	COUNCIL DISTRICT	ADOPTED OR PROPOSED LEGISLATION DATE	CONSTRUCTION START	IN-LIEU FEE PROGRAM EXPENDITURES (Estimated)	RULE 20A PROGRAM EXPENDITURES (Estimated)
BEGINNING FUND BALANCE/RULE 20A ALLOCATION					\$2,174,446	\$50,818,367
2010/2011 REVENUE(ANTICIPATED)/RULE 20A ALLOCATION					\$700,000	\$2,964,696
2010/2011 ANTICIPATED REVENUE - INTEREST INCOME					\$15,000	
2010/2011 ANTICIPATED REVENUE - PG&E/PRIVATE SERVICE CONVERSION					\$15,000	
2010/2011 ANTICIPATED EXPENDITURE-PG&E/PRIVATE SERVICE CONVERSION RIEMBURSEMENT					(\$15,000)	
PROJECTS:						
GUADALUPE GARDENS (Phase I) - Hedding/Coleman	20A	3	1/14/03	Complete		(\$1,250,000)
GUADALUPE GARDENS (Phase II) - Hedding/Taylor/Coleman (In Construction)	20A	3	1/14/03	Complete		(\$5,700,000)
MARKET/ALMADEN AVE. - Reed, Pierce, William, Balbach, Viola (In Construction)	20A	3	6/13/06	Complete		(\$4,000,000)
JACKSON/TAYLOR - 4th to 9th (In Construction)	20A & B	3	11/18/05	Mar-09	(\$1,660,000)	(\$5,150,000)
Funds expended (PG&E Agreement) for the Jackson/Taylor 20B in FY 2008/2009						\$1,614,000
STEVENS CREEK BLVD - Stearns to Calvert (In Construction)	20A	1	3/26/04	Complete		(\$650,000)
PARK/NAGLEE - Park, Naglee to Shasta & Naglee, Park to Bascom	20A	6	5/12/06	Jun-12		(\$6,000,000)
DELMAS/PARK 20A: Delmas, San Fernando, Cahill, Auzerais & Park Ave	20A	3	2/29/08	Jun-12		(\$5,500,000)
EVERGREEN PARK - Yerba Buena Rd. & San Felipe Rd.	20A	8	7/29/88	Jun-12		(\$3,000,000)
Anticipated In-Lieu Fee Undergrouding Utility Riembursement and design cost for the Delmas/Park 20B UUD Project	20B	CW			(140,000)	
PROGRAM ADMINISTRATION (In-Lieu Fee-Rule 20B)					(\$70,000)	
PROGRAM ADMINISTRATION (Rule 20A)					(\$332,000)	
PUBLIC WORKS CAPITAL MANAGEMENT COSTS					(\$58,000)	
TRANSFER TO CITY HALL DEBT SERVICE FUND					(\$28,000)	
SUBTOTAL (EXPENDITURES)					(\$679,000)	(\$31,250,000)
ENDING FUND BALANCE					\$2,225,446	\$22,533,063

FY 2012/2013

BEGINNING FUND BALANCE/RULE 20A ALLOCATION					\$2,225,446	\$22,533,063
2011/2012 REVENUE(ANTICIPATED)/RULE 20A ALLOCATION					\$750,000	\$2,300,000
2011/2012 ANTICIPATED REVENUE - INTEREST INCOME					\$15,000	
PROJECTS:						
ABDRN RDAD - Renfield Wy to Thompson Creek (Evergreen Library)	20A	8	10/31/08	Feb-13		(\$2,500,000)
CAMDEN AVENUE, Bascom to Leigh	20A	9	9/17/93	Feb-13		(\$3,000,000)
MONTEREY RD. - Willow to Curtner, inc. Cadwaller Plaza	20A	3,7	7/28/89	Mar-13		(\$3,000,000)
WHITE ROAD at Alum Rock Avenue (Alum Rock Library)	20A	5	09/05/08	Mar-13		(\$2,000,000)
DELMAS/PARK 20B: Delmas, San Fernando, & Park Ave	20B	3	2/29/08	Apr-13	(\$1,400,000)	
Anticipated In-Lieu Fee Undergrouding Utility Riembursement	20B	CW			(50,000)	
PROGRAM ADMINISTRATION (In-Lieu Fee-Rule 20B)					(\$72,000)	
PROGRAM ADMINISTRATION (Rule 20A)					(\$345,000)	
PUBLIC WORKS CAPITAL MANAGEMENT COSTS					(\$56,000)	
TRANSFER TO CITY HALL DEBT SERVICE FUND					(\$28,000)	
SUBTOTAL (EXPENDITURES)					(\$1,951,000)	(\$10,500,000)
ENDING FUND BALANCE					\$1,039,446	\$14,333,063

FY 2013/2014

BEGINNING FUND BALANCE/RULE 20A ALLOCATION					\$1,039,446	\$14,333,063
2012/2013 REVENUE(ANTICIPATED)/RULE 20A ALLOCATION					\$800,000	\$2,300,000
2012/2013 ANTICIPATED REVENUE - INTEREST INCOME					\$15,000	
PROJECTS:						
TULLY ROAD, Kenoga Dr to Senter Rd	20A	7	05/29/09	Sep-13		(\$2,500,000)
KIRK PARK, Foxworthy - Yucca to Briarwood	20A	9	01/25/11	Nov-13		(\$2,000,000)
COLEMAN AVENUE - Phase I (Market St - Julian to St. James)	20A	3	07/24/09	Mar-14		(\$2,200,000)
LINCOLN AVENUE - San Carlos to Coe	20A	6	7/23/10	Apr-14		(\$2,100,000)
De ANZA BLVD. - Rainbow to Prospect	20A	1	Sep-12	May-14		(\$2,000,000)
Anticipated In-Lieu Fee Undergrouding Utility Riembursement & Design	20B	CW			(100,000)	
PROGRAM ADMINISTRATION (In-Lieu Fee-Rule 20B)					(\$74,000)	
PROGRAM ADMINISTRATION (Rule 20A)					(\$350,000)	
PUBLIC WORKS CAPITAL MANAGEMENT COSTS					(\$56,000)	
TRANSFER TO CITY HALL DEBT SERVICE FUND					(\$31,000)	
SUBTOTAL (EXPENDITURES)					(\$811,000)	(\$10,800,000)
ENDING FUND BALANCE					\$1,243,446	\$5,833,063

**RULE 20A and RULE 20B (IN-LIEU FEE)
UNDERGROUND UTILITY PROGRAM
2011/12 - 2016/2017 WORKPLAN**

PROPOSED PROJECT	TYPE OF PROJECT	COUNCIL DISTRICT	ADOPTED OR PROPOSED LEGISLATION DATE	CONSTRUCTION START	IN-LIEU FEE PROGRAM EXPENDITURES (Estimated)	RULE 20A PROGRAM EXPENDITURES (Estimated)
FY 2014/2015						
BEGINNING FUND BALANCE/RULE 20A ALLOCATION					\$1,243,446	\$5,833,063
2013/2014 REVENUE(ANTICIPATED)/RULE 20A ALLOCATION					\$850,000	\$4,700,000
2013/2014 ANTICIPATED REVENUE - INTEREST INCOME					\$15,000	
PROJECTS:						
McKEE ROAD - Jackson to Jose Figueres	20B	5	Jan-12	Aug-14	(\$700,000)	
GROSBECK PARK, Klien Rd. - Grosbeck Hill to Norwood	20A	8	Oct-12	Sep-14		(\$1,800,000)
HAMANN PARK, Westfield - Central to Daniel	20A	6	Nov-12	Oct-14		(\$1,800,000)
BLOSSOM HILL, SNELL AVE - Judith to Snell, Giuffrida to Cheyenne	20A	2	Apr-13	Apr-15		(\$2,000,000)
MUNICIPAL GOLF COURSE - Lundy/Old Oakland Rd./Murphy	20A	4	Jun-13	Jun-15		(\$1,500,000)
Anticipated In-Lieu Fee Undergrounding Utility Reimbursement	20B	CW			(\$0,000)	
PROGRAM ADMINISTRATION (In-Lieu Fee-Rule 20B)					(\$76,000)	
PROGRAM ADMINISTRATION (Rule 20A)					(\$355,000)	
PUBLIC WORKS CAPITAL MANAGEMENT COSTS					(\$56,000)	
TRANSFER TO CITY HALL DEBT SERVICE FUND					(\$26,000)	
SUBTOTAL					(\$563,000)	(\$7,100,000)
ENDING FUND BALANCE					\$1,545,446	\$3,433,063

FY 2015/2016						
BEGINNING FUND BALANCE/RULE 20A ALLOCATION					\$1,545,446	\$3,433,063
2013/2014 REVENUE(ANTICIPATED)/RULE 20A ALLOCATION					\$900,000	\$4,800,000
2013/2014 ANTICIPATED REVENUE - INTEREST INCOME					\$15,000	
PROJECTS:						
MONTGOMERY ST - Santa Clara Street to Park Avenue	20A	3	Aug-13	Jul-15		(\$1,500,000)
MINNESOTA AVE. - Lincoln to Iris	20A	6	Oct-13	Aug-15		(\$1,500,000)
MERIDIAN AVENUE - Park to Auzerais	20B	6	Jun-13	Sep-15	(\$600,000)	
COLEMAN - Phase II (Hedding to Autumn)	20A	3	7/24/09	May-16		
NORTH 4TH ST - St. John St. to St. James St, and JULIAN ST, 4th St to 2nd St.	20A	3	Dec-13	Mar-16		(\$1,500,000)
NORTH 5TH ST, St. John Street to Japan Town	20A	3	Jan-14	Apr-16		(\$1,500,000)
Anticipated In-Lieu Fee Undergrounding Utility Reimbursement	20B	CW			(\$0,000)	
PROGRAM ADMINISTRATION (In-Lieu Fee-Rule 20B)					(\$78,000)	
PROGRAM ADMINISTRATION (Rule 20A)					(\$360,000)	
PUBLIC WORKS CAPITAL MANAGEMENT COSTS					(\$56,000)	
TRANSFER TO CITY HALL DEBT SERVICE FUND					(\$26,000)	
SUBTOTAL (EXPENDITURES)					(\$1,170,000)	(\$6,000,000)
ENDING FUND BALANCE					\$1,290,446	\$2,233,063

FY 2016/2017						
BEGINNING FUND BALANCE/RULE 20A ALLOCATION					\$1,290,446	\$2,233,063
2014/2015 REVENUE(ANTICIPATED)/RULE 20A ALLOCATION					\$950,000	\$4,900,000
2014/2015 ANTICIPATED REVENUE - INTEREST INCOME					\$15,000	
PROJECTS:						
CROPLEY/MORILL - Cropley - I-680 to Treewood Ln, Morill - Junewood to Tobin	20A	4	Feb-14	Aug-16		(\$4,200,000)
LOS GATOS/ALMADEN ROAD - Union to Warwick	20B	9	Jan-14	Sep-16	(\$650,000)	
PROSPECT ROAD - Saratoga to De Anza	20A	1	Aug-15	Jan-17		(\$2,000,000)
Anticipated In-Lieu Fee Undergrounding Utility Reimbursement	20B	CW			(\$0,000)	
RESERVED FOR FUTURE SJRA PRIORITY PROJECTS	20A					(\$1,500,000)
RESERVED FOR FUTURE PARKS PROJECTS	20A					(\$1,500,000)
RESERVED FOR FUTURE RULE 20A PROJECTS	20A					(\$1,500,000)
PROGRAM ADMINISTRATION (In-Lieu Fee-Rule 20B)					(\$80,000)	
PROGRAM ADMINISTRATION (Rule 20A)					(\$365,000)	
PUBLIC WORKS CAPITAL MANAGEMENT COSTS					(\$56,000)	
TRANSFER TO CITY HALL DEBT SERVICE FUND					(\$27,000)	
SUBTOTAL (EXPENDITURES)					(\$1,228,000)	(\$6,500,000)
ENDING FUND BALANCE					\$1,027,446	\$633,063

DEFERRED PROPOSED PROJECTS

McABEE ROAD - Juli-Lynn to Peralta	20B	10			(\$700,000)	
PEARL/HILLSDALE - Capitol to Hillside to Summer Creek	20B	6			(\$750,000)	
CANOAS GARDEN, Almaden to Masonic	20B	6			(\$750,000)	
LUNDY AVE - Murphy to Old Hostetter	20B	4			(\$800,000)	
JULIAN STREET, The Alameda to Cinnabar	20B	6			(\$800,000)	
VASONA LRT: FRUITDALE AVENUE - Southwest to Meridian (Project on hold)	20B	6			(\$1,500,000)	
McABEE ROAD - Peralta to Camden	20A	10				(\$1,700,000)

Notes:

1. Construction of Rule 20A Undergrounding projects are funded by utility companies.
2. Rule 20A Program administration cost is borne by the City.

**RULE 20A AND 20B (IN-LIEU FEE) UNDERGROUND UTILITY PROGRAM
SUMMARY OF CHANGES SINCE LAST REPORT**

ATTACHMENT C

PROJECT	TYPE OF PROJECT	COUNCIL DISTRICT	2010/11-2015/16 WORKPLAN (approved by Council in April 2011)		2011/12 - 2016/17 WORKPLAN (PROPOSED)		REASON FOR CHANGE (SEE NOTES)
			LEGISLATION ADOPTION DATE	CONSTRUCTION START	LEGISLATION ADOPTION DATE	CONSTRUCTION START	
ABORN ROAD - Pumpherston Wy to White Rd (Evergreen Library)	20A	8	Legislated	2012	Legislated	2012	C, D
BLOSSOM HILL, SNELL AVE - Judith to Snell, Giuffrida to Cheyenne	20A	2	2013	2015	2013	2015	D
CAMDEN AVENUE, Bascom to Leigh (In Design)	20A	9	Legislated	2012	Legislated	2013	C, D
CANOAS GARDEN, Almaden to Masonic	20B	6					G
COLEMAN AVENUE, Hedding St to Basset	20A	3	Legislated	2012	Legislated	2013	B, D
CROPLEY/MORILL, Cropley - I680 to Treewood Ln, Morill - Junewood to Tobin	20A	4			2014	2017	
De ANZA BLVD. - Rainbow to Prospect	20A	1	2011	2014	2012	2014	D
DELMAS/PARK 20A: Delmas, San Fernando, Cahill, Auzerals & Park Ave	20A	3	Legislated	2011	Legislated	2012	C, H
DELMAS/PARK 20B: Delmas, San Fernando, & Park Ave	20B	3	Legislated	2012	Legislated	2013	C, H
EVERGREEN PARK - Yerba Buena Rd. & San Felipe Rd. (In Design)	20A	8	Legislated	2011	Legislated	2012	A, C
GROSBECK PARK, Klien Rd. - Hill to Norwood	20A	8	2012	2014	2012	2014	D
GUADALUPE GARDENS - Hedding/Taylor/Coleman (Phase I)	20A	3	Legislated	Completed	Legislated	Completed	
GUADALUPE GARDENS - Hedding/Taylor/Coleman (Phase II)	20A	3	Legislated	Completed	Legislated	Completed	
HAMANN PARK, Westfield - Central to Daniel	20A	6	2012	2014	2012	2015	D
JACKSON/TAYLOR - 4th to 9th	20A & B	3	Legislated	In Construction	Legislated	In Construction	
JULIAN STREET, The Alameda to Cinnabar	20B	6					G
KIRK PARK, Foxworthy - Yucca to Briarwood	20A	9	Legislated	2013	Legislated	2014	D
LINCOLN AVENUE - San Carlos to Coe	20A	6	Legislated	2013	Legislated	2014	D
LOS GATOS/ALMADEN ROAD - Union to Warwick	20B	9			2014	2017	G
LUNDY AVE - Murphy to Old Hostetter	20B	4					G
MARKET/ALMADEN AVE. - Reed, Pierce, William, Balbach, Viola	20A	3	Legislated	In Construction	Legislated	Completed	
McABEE ROAD - Peralta to Camden	20A	10	2012	2014			D, J
McABEE ROAD - Jul-Lynn to Peralta	20B	10					D, I, J
McKEE ROAD - Jackson to Jose Figueres	20B	5	2012	2014	2012	2015	D
MERIDIAN AVENUE - Park to Auzerals	20B	6	2013	2015	2013	2015	D
MINNESOTA AVE. - Lincoln to Iris	20A	6	2013	2015	2013	2016	D
MONTEREY RD. - Willow to Curtner, inc. Cadwaller Plaza	20A	3, 7	Legislated	2012	Legislated	2013	C, D
Montgomery Street - Santa Clara Street to Park Avenue	20A	3	2013	2015	2013	2016	F, D
MUNICIPAL GOLF COURSE - Lundy/Old Oakland Rd./Murphy	20A	4	2013	2015	2013	2015	D
NORTH 4TH ST - St. John St to St. James St, and JULIAN ST, 4th St to 2nd St.	20A	3	2013	2015	2013	2016	F, D
North 5th Street, St. John Street to Japan Town	20A	3	2014	2016	2014	2016	F, D
PARK/NAGLEE - Park, Naglee to Shasta & Naglee, Park to Bascom	20A	6	Legislated	2011	Legislated	2012	C, D
PEARL/HILLSDALE - Capitol to Hillsdale to Summer Creek	20B	6					G
PROSPECT ROAD - Seratoga to De Anza	20A	1	2011	2014	2016	2017	K
STEVENS CREEK BLVD - Stearns to Calert	20A	1	Legislated	2011	Legislated	Completed	C, D

**RULE 20A AND 20B (IN-LIEU FEE) UNDERGROUND UTILITY PROGRAM
SUMMARY OF CHANGES SINCE LAST REPORT**

ATTACHMENT C

			2010/11-2015/16 WORKPLAN (approved by Council in April 2011)		2011/12 - 2016/17 WORKPLAN (PROPOSED)		
PROJECT	TYPE OF PROJECT	COUNCIL DISTRICT	LEGISLATION ADOPTION DATE	CONSTRUCTION START	LEGISLATION ADOPTION DATE	CONSTRUCTION START	REASON FOR CHANGE (SEE NOTES)
TULLY ROAD, Kenoga Dr to Senter Rd	20A	7	Legislated	2013	Legislated	2014	D
VASONA LRT: FRUITDALE AVENUE - Southwest to Meridian	20B	6	Legislated		Legislated		E
WHITE ROAD at Alum Rock Avenue	20A	5	Legislated	2012	Legislated	2013	C, D

BOLD PRINT indicates changes since last report.

NOTE: REASON FOR CHANGES

- A. Difficulty in obtaining easements needed for underground substructures. Project being re-engineered.
- B. Project in coordination with proposed Coleman Avenue widening project. The UG project will proceed once the ultimate right-of-way is established.
- C. Project in design
- D. Work plan reflects rescheduled target dates due to schedule changes in prior year projects. Delays to projects primarily based on PG&E and utility company resources issues and design challenges.
- E. Project postponed from the work plan because of uncertainty with the adjacent development project.
- F. New project complements SJRA and DOT projects.
- G. Rule 20B projects re-prioritized because of lower revenue predictions. Funding will be evaluated on yearly basis and projects will be re-prioritized accordingly.
- H. Project was legislated as combination Rule 20A and 20B project. However, design and construction responsibilities are being split between PG&E and City. PG&E will be the lead for the Rule 20A portion of the project and City will be the lead for the Rule 20B portion of the project.
- I. Project will be combined with the proposed McAbee Road Rule 20A project.
- J. Project requires further evaluation to determine it meets the minimum criteria for undergrounding.
- K. Coordination needed with the City of Saratoga, which is currently not interested in proceeding with this project.

**AREAS IDENTIFIED FOR CONSIDERATION AS
FUTURE RULE 20A UNDERGROUND UTILITY PROJECTS**

PROPOSED PROJECT AREA

1. COUNCIL MEMBER REQUESTS

- White Road, McKee Road to Eastside Drive
- White Road, Park Lane to Ocala/Martin Avenue
- Areas north of the Reid/Hillview Airport
- Alviso/1st Street

2. REDEVELOPEMENT - GREATER DOWNTOWN PRIORITY AREAS

- Post St. - Almaden Blvd. to San Pedro - Almaden Ave. - Post St. to Santa Clara
- St. John - Almaden Blvd. To Terainne/Almaden Ave.; Almaden Ave./ Terraine St.; - Carysle to St. James
- St. John - Montgomery. to 87; Almaden Blvd. - Julian St. to Carysle St.
- Autumn Ave. - Julian to St. John; Montgomery – Julian to Cinnebar
- Julian & St James - 4th to 7th St. ; Sixth and Seventh – Santa Clara to Julian
- Stockton Ave. - Santa Clara to Julian St; Julian St. – Stockton to Montgomery St.
- St. Teresa – Coleman to Ryland; Ryland – St Teresa to North San Pedro
- San Salvador - 4th St. to 10th St.
- Stockton Ave. – Julian to Taylor; Taylor – Stockton to Coleman Ave.; Montgomery – Julian to Cinnebar
- Julian/St. James - Notre Dame to 1st St. (Rule 20C project funded by Agency and housing developers)
- St. James to Basset - 87 to San Pedro (Rule 20C project funded by Agency and housing developers)
- Grant St – Autumn Ave. to Locus St.

REDEVELOPEMENT – NEIGHBORHOOD BUSINESS DISTRICT PRIORITY AREAS

- Willow Street, South Almaden Ave. to Highway 87

3. CITIZEN REQUESTS

- Meridian Ave., Fruitdale to Hamilton
- White Road/Quimby
- Branham Lane east of Camden Ave.
- Story Road from King to McLaughlin

4. **SOUTH CAMPUS NEIGHBORHOOD:** – Streets requested for consideration by the Planning Department on behalf of the South Campus Neighborhood Revitalization Plan Advisory Group and the residents of the area. Streets requested are as follows:
- Reed Street, 2nd St. to 4th St.
 - William Street, 2nd St. to William Street Park
 - 7th Street, I-280 to SJSU Campus
 - 10th & 11th Streets, I-280 to E. Santa Clara Street
5. **PROJECTS THAT WILL COMPLEMENT CIP PROJECTS** - Streets requested by the Department of Transportation that will complement CIP projects. Streets/area requested as follows:
- Taylor Street - Guadalupe Gardens to Japantown (coordinate with Taylor/First project and close gap between other undergrounding projects on Taylor) (Will be completed as part of Jackson/Taylor rule 20A/B project - in construction)
 - Julian/St. James Couplet Corridor - remove conflicts from signal conversions
 - 5th Street Corridor - create attractive pedestrian corridor from SJSU/City Hall to Japantown (relates to HIP grant)
 - 3rd/4th Street Couplet Corridor - enhance Hensley Historic District
 - Hamilton Avenue between Meridian Ave. and Hamilton Way
 - Empire/Hensley - 2nd St. to 4th St.; Second, Third and Fourth Streets – Railroad tracks to Empire
 - St. John Street Phase I– Market Street to Guadalupe River.
 - St. John Street Phase II – Guadalupe River to Montgomery Street.

**SUMMARY OF CRITERIA FOR EVALUATING
UNDERGROUND UTILITY PROJECTS**

RULE 20A UNDERGROUNDING UTILITY PROJECTS

Approved by CPUC, 1968, revised 2002.

The governing body of the City or County in which such electric facility are and will be located has determined, after consultation with the Utility and after holding public hearings on the subject, that such undergrounding is in the public interest for one or more of the following reasons:

- a. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electrical facilities.
- b. The street or road right-of-way is intensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.
- c. The street or road 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.
- d. The street or road or right-of-way is considered an arterial or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines.

**ADDITIONAL CRITERIA FOR PROJECT PRIORITIZATION ESTABLISHED BY THE
CITY OF SAN JOSE:**

1. Projects that complement City capital improvement projects (1978).
2. Completion of undergrounding adjacent to undergrounding accomplished by other projects (1978).
3. Projects that front city facilities, such as: parks, libraries, and fire stations (1978).
4. Projects in the Core (Downtown) Area (1978).
5. Projects that minimize costs to single family residences (1978).
6. Projects that are done in conjunction with light rail transit projects (1985).
7. Projects that are on gateway streets to the downtown area (1985).
8. Twenty percent (20%) of Rule 20A funds will be designated for projects adjacent to city parks (1986).
9. Projects in Redevelopment or Neighborhood Business District areas (1987).

RULE 20B (IN-LIEU FEE) UNDERGROUNDING UTILITY PROJECTS

Approved March 16, 1993

The criteria and procedures to create underground utility districts are specified in the San José Municipal Code. Proposed districts must be determined to be in the general public interest for one or more of the following reasons:

ATTACHMENT E
SUMMARY OF CRITERIA FOR EVALUATING UNDERGROND UTILITY PROJECTS

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- a. Such removal and replacement underground will eliminate an unusually heavy concentration of poles and overhead wires within said area;
- b. The public streets or rights-of-way within said area are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic;
- c. The public streets or rights-of-way within said area adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public.

GENERAL CRITERIA

The purpose of the General Criteria is to ensure that all projects included in the Workplan provide opportunities for cost effectiveness due to lower unit costs resulting from large aggregated projects, and are in areas where in-lieu fees have been paid. To date, in-lieu fees have been paid for 509 private development projects throughout the City. The Undergrounding Master Plan, listing 268 proposed project areas that meet the General Criteria, has been developed by staff and was included in the In-Lieu Fee Undergrounding Master plan. The Undergrounding Master Plan is developed through consideration of the following General Criteria:

1. A minimum 600 feet of overhead facilities to be replaced. Projects that meet this criterion are eligible for certain credits from utility companies resulting in a lower cost per foot to complete the project.
2. Percentage of proposed project frontage for which in-lieu fees have been paid. The higher the percentage of frontage length paid to date, the higher the priority.
3. Development frontages where undergrounding in-lieu fees have been paid and held by the City for five or more years. As long as fees are committed to projects in the approved Master Plan, they are considered programmed and not subject to refund.

SPECIFIC CRITERIA

The purpose of the Specific Criteria is to provide specific guidelines for staff in selecting project areas for the Workplan. The Specific Criteria ensure that actions required of the City by executed agreements are implemented and also provide the flexibility to coordinate with other scheduled projects and programs. The proposed workplan, presented in Attachment B, has been developed through an evaluation of the Specific Criteria applicable to the listing of proposed project areas identified in the Undergrounding Master Plan.

- a. Projects for which agreements with the Utility Companies have been executed or approved for execution.
- b. Projects for which Legislation (City Ordinance) establishing an underground utility district have been adopted.
- c. Projects proposed in the last approved workplan for which review, field investigation and coordination with the utility company representative have begun.
- d. Projects requiring completion by specific dates to avoid return of fees paid per executed agreements (Improvement District Projects).

ATTACHMENT E
SUMMARY OF CRITERIA FOR EVALUATING UNDERGROND UTILITY PROJECTS

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- e. Projects that can be constructed in conjunction with other planned improvements by the City (CIP Projects).
- f. Projects that can be implemented in conjunction with private development construction activities.
- g. Projects that were proposed in the last approved workplan for which coordination with utility companies has not begun.
- h. Distribution among Council Districts in as equitable manner as possible.