



UTILITY AGREEMENTS AND RELOCATION

The purpose of this policy is to define and clarify matters relating to utility agreements and utility relocations. Relocations or adjustments and placement of public and privately owned utilities, ~~for which SANDAG is legally obligated,~~ may be made necessary by proposed construction of a SANDAG project. These utility placements and relocations may take place within SANDAG right-of-way or in other public agencies' rights-of-way. Chapter 14 of the Caltrans Local Assistance Procedures Manual will be used for guidance on relocation matters where applicable.

Procedures

1. For the purpose of this policy, the term “utility” shall include water systems, gas lines, communication lines, electrical systems, and other public-use facilities, as well as those normally used to deliver, or dispose of, products utilized by the general public.
2. Utility agreements will be negotiated with each major utility owner affected, or likely to be affected, by a SANDAG project. These agreements shall establish the general basis for determining costs, salvage and betterment credits, liabilities, methods of payment, encroachments and easements, and procedures for effecting specific and discrete elements of work. Utilities that must be replaced or rearranged shall be replaced or rearranged in-kind to the current code or standard. Board approval is required to improve utilities beyond the code or standard of the utilities being replaced.
3. Design and construction relative to SANDAG-required utility relocations shall generally be performed by, or under contract to, the utility owner. Where the utility agrees to have such work performed by a SANDAG contractor, however, the utility should be assigned final responsibility for accepting that portion of the contractor's work. Where applicable, SANDAG may cause franchise utilities to pay for expenses related to relocation.
- 3.4. Work performed by a utility owner's contractor when the utility will receive compensation via SANDAG is a public work under the definition in Labor Code Section 1720 and is therefore subject to prevailing wage requirements unless determined to be exempt by the the California Labor Commissioner's Office.
- 4.5. SANDAG shall exercise reasonable discretion in acting on applications of utilities for permits to occupy SANDAG's right-of-way. SANDAG may, however, refuse to grant any applications for any crossings which would be inconsistent with public safety or the continued unobstructed use of the right-of-way for freight or transit purposes.
- 5.6. With the necessary modifications for the type of right-of-way and ownership thereof, SANDAG shall be guided by the California Streets and Highway Code, Section 680, 680.5, and on any applicable case law, in carrying out this policy.
- 6.7. Nothing in this policy is intended to apply to relocations or adjustments and placement of public and privately owned utilities within North County Transit District (NCTD) or

Metropolitan Transit System (MTS) owned right-of-way. Any such relocations or adjustments and placements shall be governed by the policies of NCTD or MTS, or governed by separate agreements established on a case-by-case basis.

Adopted November 2003

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