

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Installation of New or Replacement or Extension of Existing
Utility Facilities in Road Projects Financed by Countywide Funds

**Policy
Number**

J-10

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Purpose

To define and clarify financial responsibility for installation of utilities within new roadways or existing County maintained roads whose further improvement is financed by public funds for the benefit of the public.

Background

As differentiated from subdivision streets or local interest roads, roads constructed by the County of San Diego with its Highway Users Tax funds are of countywide interest. The County constructs that portion of the road providing for the movement of through traffic from area to area. The outer lanes of these roads are normally provided by adjacent land developers as a condition of development. Upgrading of utility services or installation of new utility facilities where none previously existed remains the responsibility of the developer of adjacent lands or of the utility district, agency, or company specifically established for the purpose of providing such service to that area. Inasmuch as such facilities are for local benefit, it is apparent they should not equitably be financed by either the Highway Users' Tax or the County General Fund. These funds are collected Countywide, including from residents of incorporated cities, and therefore cannot appropriately be spent to construct purely local benefit facilities in the unincorporated areas. Actually, some subsidization does occur in the fact that in all County roads free right-of-way is provided to most of utilities for their installations, subject to conditions of encroachment permits and the prior and paramount rights of the motoring public.

Policy

It is the policy of the Board of Supervisors that:

1. On all road improvement projects - whether construction of an entirely new roadway or the improvement of an existing road - to be financed by public funds for the benefit of the public, installation of new, replacement, or extension of existing utility facilities shall be the responsibility of the utility agency or company having jurisdiction over the particular utility within the area of the project, and shall be financed by such utility agency or company using their legally established procedures, policies, rules or regulations for such installations. Except in the case where existing utilities are located within property owned by the utility agency or within a utility easement prior in time and/or right to the County's right-of-way, where it is legally the responsibility of the County to recognize the prior right of such utility service, no County General Funds, or state or federal Gas Tax funds shall be expended to provide new, or replacement or extension of existing, utility services.

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2. Within the aforementioned tenets, the County, through the Department of Public Works, shall stand ready to cooperate with any utility district, agency, or company which desires to provide new or replace or extend existing utility services in conjunction with any proposed road improvement project. Provided such desires are made known early enough to be included on the plans or within the contract documents of the project, the County will either (a) include utility installation as an item of work in the County project at the expense of the utility agency, or (b) provide clauses in the specifications to ensure adequate coordination between the County's contractor and the utility agency if the latter elects to do the utility work themselves or by their own private contract. If alternate (a) above is elected, satisfactory agreement must be entered into by the utility and the County for reimbursement to the County for all costs of utility installation, including the contract price, engineering and overhead.

Sunset Date

This policy will be reviewed for continuance by 12-31-21.

Board Action

5-26-69 (29)
11-10-69 (86)
5-22-79 (150)
10-6-82 (58)
7-26-88 (43)
12-12-89 (49)
8-7-2002 (5)
12-09-08 (33)
12-03-14 (4)

1. Department of Public Works