



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: June 9, 2020 – REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: 559-624-7010				

SUBJECT: Approve Second Joint Use Agreement with Southern California Edison for the Avenue 280 Widening Project- Segment 1

REQUEST(S):

That the Board of Supervisors:

1. Approve the Second Joint Use Agreement with Southern California Edison for relocation work to provide additional vertical clearance below Pole No. 289086E for the Avenue 280 Widening Project-Segment 1, from State Route 99 to Road 100 in Visalia, effective upon approval by the Board of Supervisors; and
2. Authorize the Chair of the Board of Supervisors to sign the Agreement.

SUMMARY:

The County has recently completed construction of the Avenue 280 Widening Project (hereinafter the "Project") as approved by your Board on June 20, 2017 (Resolution No. 2017-0477). The Project consisted primarily of widening a 2-mile segment of Avenue 280, from State Route 99 to Road 100, from an existing two-lane roadway to a four-lane divided highway. The Project is the first phase of the overall Avenue 280 Widening Project to widen approximately 11 miles of the Avenue 280 corridor.

As a result of the Avenue 280 Widening project, a total of twenty-one (21) Southern California Edison (SCE) poles along Avenue 280 and an additional four (4) SCE poles along Shirk Road were identified to be in conflict with the widening of the roadway and so required relocation. To accomplish some of this work, your Board approved two (2) Utility Agreements with SCE. On June 27, 2017, Utility Agreement 1.01 (Tulare County Agreement 28195) was approved for the relocation of transmission line pole

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No. 4568013E. On May 21, 2019, Utility Agreement 2.01 (Tulare County Agreement 29158) was approved for utility relocation work to provide additional vertical clearance between two (2) poles (Pole Nos. 4568014E and 4568015E) located east of Roeben Street. Moreover, during the rights verification process for pole No. 4568013E, it was determined that SCE had superior rights to that of the County's. Therefore, the County entered into a Joint Use Agreement (Tulare County Agreement 28196).

While working through the final stages of the construction, it was observed that several vertical separation conflicts were present between the existing electrical lines (not relocated as part of a prior agreement) and the projects proposed street lighting. These conflicts directly affected the installation of 10 street light poles located on the north side of Avenue 280 on the west end of the project. Upon discovery of the issue, the County directed the Contractor to substitute shorter style street lights in this area in an effort to minimize the conflict. As a result, all conflicts with the exception of one were avoided. The remaining conflict was observed along Avenue 280 adjacent to an SCE utility pole (No. 289086E), located approximately 2,600 feet east of State Route 99.

Although the subject utility pole was located within the County's Right-of-Way, SCE was able to provide sufficient evidence to prove that this pole was in place prior to the County's ownership of the land; therefore, SCE was able to claim superior rights. For this reason, this second Joint Use Agreement is required between the County and SCE to reserve SCE's superior rights. The agreement recognizes SCE's prior interest in the land and defines the pole site location where SCE was able to prove to be in place prior to the County's ownership of the land. Moreover, the agreement establishes the terms and conditions for shared use of the Right-of-Way at the pole site location. The relocation work is expected to be completed by SCE during the summer of 2020.

Furthermore, as determined by the SCE's superior rights claim, all expenditures incurred by SCE to provide the required vertical clearance will be the County's responsibility. It is necessary to enter into a third Utility Agreement to authorize the relocation work as well as establish the payment terms. This matter will be brought to your Board in a separate Agenda Item.

FISCAL IMPACT/FINANCING:

No Net County Cost to the General Fund.

There is no cost associated with the Joint Use Agreement. Should the pole be required to be relocated as a part of a future project, the County would be responsible for the future cost of the relocation. As this work is part of the Avenue 280 Widening Project, all costs associated with preparing this agreement are reimbursable project costs that are funded through Measure R Regional funds.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

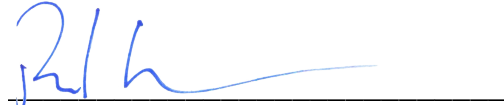
This project will enhance the safety and security of the public by improving the

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transportation infrastructure for both the general population in the region and the motorists using this facility.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s) Attachment A – Vicinity Map
Attachment B – Joint Use Agreement

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE SECOND)
JOINT USE AGREEMENT WITH) Resolution No. _____
SOUTHERN CALIFORNIA EDISON FOR) Agreement No. _____
THE AVENUE 280 WIDENING PROJECT-)
SEGMENT 1)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 9, 2020, BY THE
FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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2. Authorized the Chair of the Board of Supervisors to sign the Agreement.

Attachment A

Vicinity Map

