



**COUNTY COUNSEL  
COUNTY OF TULARE  
AGENDA ITEM  
(Revised)**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

CONNIE CONWAY  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** December 9, 2008

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Arlene Silva    PHONE: 559-733-6263

**SUBJECT:** Amendment to the Ordinance Code of Tulare County Pertaining to the Maintenance and Safety of Railroad Crossings

**REQUEST(S):**

That the Board of Supervisors:

1. On December 9, 2008, introduce and waive the first reading of an ordinance amendment subsections (a) and (b) of Section 3-07-1160 and adding Section 3-07-1167 to Article 7 of Chapter 7 of Part III of the Ordinance Code of Tulare County pertaining to the Maintenance and Safety of Railroad Crossings
2. On December 16, 2008, waive the second reading of an ordinance amendment subsections (a) and (b) of Section 3-07-1160 and adding Section 3-07-1167 to Article 7 of Chapter 7 of Part III of the Ordinance Code of Tulare County pertaining to the Maintenance and Safety of Railroad Crossings

**SUMMARY:**

Article 7 of Chapter 7 of Part III of the Ordinance Code of Tulare County addresses excavations and obstructions in County highways and requires an encroachment permit for construction in the rights of way in County highways. The proposed ordinance clarifies existing County regulations pertaining to use, construction and demolition activities within the right of ways of County highways, particularly in regard to railroad facilities in railroad rights of ways intersecting County highways

**SUBJECT:** Railroad Crossings

**DATE:** December 9, 2008

and rights of way.

**FISCAL IMPACT/FINANCING:**

Construction activities by other parties within a County right of way are subject to the County's encroachment permit requirements. Encroachment permits are subject to fees and would therefore provide revenue to the County. This program is administered by the Tulare County Resource Management Agency.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

Adoption of the proposed ordinance will promote personal responsibility for public safety and assist to improve and maintain adequate transportation infrastructure.

**ALTERNATIVES:**

1. The Board could decline to adopt this ordinance and direct staff to take other action.
2. The Board could modify the proposed ordinance provisions before adoption.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

The Tulare County Resource Management Agency and the Director of Transportation will be charged with carrying out these proposed ordinance code provisions.

**ADMINISTRATIVE SIGN-OFF:**

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Name: Julia J. Roberts

Title: Chief Deputy

Cc: Auditor/Controller

County Counsel

County Administrative Office (2)

Director, Tulare County Resource Management Agency

Attachment(s)

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

IN THE MATTER OF Amendment to the ) RESOLUTION NO. \_\_\_\_\_  
Ordinance Code of Tulare County )  
Pertaining to the Maintenance and Safety ) AGREEMENT NO. \_\_\_\_\_  
of Railroad Crossings )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JEAN M. ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

Introduced and waived the first reading of an ordinance amending subsections (a) and (b) of Section 3-07-1160 and adding Section 3-07-1167 to Article 7 of Chapter 7 of Part III of the Ordinance Code of Tulare County pertaining to the Maintenance and Safety of Railroad Crossings.