

1 [Public Works – Encroachment under 23rd Street between Illinois Street and the SF Bay.]

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3 **Resolution granting revocable permission to Trans Bay Cable LLC to occupy a portion**
4 **of the public right-of-way to install underground DC cable under 23rd Street, east of**
5 **Illinois Street, to allow transmission of electrical power from Trans Bay Cable's**
6 **Pittsburg Converter Station to its San Francisco Converter Station, which is proposed**
7 **to be located at 435 23rd Street (Assessor's Block 4232, Lot 010), conditioned on**
8 **payment of an annual assessment fee in an amount to be determined pursuant to**
9 **Public Works Code section 786.7, and making environmental findings and findings of**
10 **consistency with the General Plan and the priority policies of Planning Code Section**
11 **101.1.**

12 WHEREAS, As part of the Trans Bay Cable Project, Trans Bay Cable LLC (the
13 "Permittee") has requested authorization to install and maintain underground AC and DC
14 cable in two separate areas in the public right-of-way under 23rd Street, east of Illinois Street
15 (the "Project Encroachment Area"); and,

16 WHEREAS, A portion of the Project Encroachment Area is located in the jurisdiction of
17 the Port of San Francisco (the "Port Encroachment Area"). Occupancy of the Port
18 Encroachment Area for installation of cable ("Port Encroachment") is separately addressed in
19 certain proposed license agreements between Trans Bay Cable LLC and the Port and subject
20 to separate approval by the Board of Supervisors. The Port Encroachment is not addressed
21 herein; and,

22 WHEREAS, A portion of the Project Encroachment Area is located in the jurisdiction of
23 the City and County of San Francisco Department of Public Works (the "City Encroachment
24 Area"). The City Encroachment Area and the proposed location of the cable therein are
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1 shown on plans filed with the Department of Public Works and copies of such plans are on file
2 in the office of the Clerk of the Board of Supervisors in File No. _____; and,

3 WHEREAS, Only the City Encroachment Area is the subject of this Resolution; and,

4 WHEREAS, Pursuant to Public Works Code Section 786, Trans Bay Cable LLC
5 requested permission to occupy the public right-of-way to install and maintain underground
6 DC cable under 23rd Street in the City Encroachment Area ("City Encroachment"), as shown
7 in the plans on file with the Clerk of the Board of Supervisors in File No. _____.

8 Said DC cable will extend from the western terminus of 23rd Street to a point of entry onto the
9 San Francisco Converter Station site at 435 23rd Street, and is necessary to allow
10 transmission of electrical power from Trans Bay Cable's proposed Pittsburg Converter Station
11 to its proposed San Francisco Converter Station; and,

12 WHEREAS, After a duly noticed public hearing on March 21, 2007, the Department of
13 Public Works recommended approval of the proposed City Encroachment as set forth in DPW
14 Order No. 176,780; approved on March 21, 2007. A copy of said DPW Order is on file with
15 the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein
16 by reference; and,

17 WHEREAS, The Planning Department, by letter dated March 22, 2007, determined that
18 the City Encroachment is, on balance, consistent with the General Plan and the priority
19 policies of Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the
20 Board of Supervisors in File No. _____, and is incorporated herein by reference;
21 and,

22 WHEREAS, In companion legislation, the Board of Supervisors, by Resolution No.
23 _____, adopted findings in accordance with the California Environmental Quality
24 Act (California Public Resources Code sections 21000 et seq.) on the Trans Bay Cable
25 Project, including a mitigation monitoring and reporting program, all as further described in

1 said Resolution. Said Resolution is on file with the Clerk of the Board of Supervisors in File
2 No. 070314. Said Resolution and its accompanying documents in the Clerk's file are
3 incorporated herein by reference; and,

4 WHEREAS, The permit and associated encroachment agreement for the City
5 Encroachment, which are incorporated herein by reference and are on file with the Clerk of
6 the Board of Supervisors in File No. _____, shall not become effective until:

7 (a) The Permittee executes and acknowledges the permit and delivers said
8 permit to the City Controller;

9 (b) The Permittee delivers to the City Controller a policy of insurance
10 provided for in said agreement and the Controller shall have had approved the same as
11 complying with the requirement of said agreement. The Controller may, in his
12 discretion, accept in lieu of said insurance policy, the certificate of an insurance
13 company certifying the existence of such a policy; and,

14 (c) The Department of Public Works records the permit and associated
15 agreement in the office of the County Recorder; and,

16 WHEREAS, The Permittee, at the Permittee's sole expense and as is necessary as a
17 result of this permit, shall make the following arrangements with respect to the City
18 Encroachment:

19 (a) To provide for the support and protection of facilities belonging to the
20 Department of Public Works, San Francisco Water Department, the San Francisco Fire
21 Department and other City Departments, and public utility companies; and

22 (b) To provide access to such facilities to allow said entities to construct,
23 reconstruct, maintain, operate, or repair such facilities; and,

24 WHEREAS, The Permittee shall procure the necessary permits for the City
25 Encroachment from the Central Permit Bureau, Department of Building Inspection and/or

1 Bureau of Street-Use and Mapping, Department of Public Works and pay the necessary
2 permit and inspection fees for the City Encroachment before starting work; and,

3 WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-
4 way occupancy assessment pursuant to Public Works Code Section 786.7, based on
5 approximately 190 square feet of City Encroachment Area; and

6 WHEREAS, No structures shall be erected or constructed within said street right-of-
7 way except as specifically permitted herein; and,

8 WHEREAS, The Permittee shall become a member of, participate in and share in the
9 costs associated with Underground Service Alert (U.S.A.) Northern California Region; and,

10 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the
11 City Encroachment and no cost or obligation of any kind shall accrue to the Department of
12 Public Works or any other City entity by reason of this permission granted; now, therefore be it

13 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
14 Supervisors hereby grants permission, subject to the conditions set forth herein and revocable
15 at the will of the Director of the Department of Public Works, to Trans Bay Cable LLC, to
16 occupy a portion of the public right-of-way to install the City Encroachment in the City
17 Encroachment Area; and, be it

18 FURTHER RESOLVED, That this Board adopts as its own the findings of the Planning
19 Department, which determined that said permit is, on balance, consistent with the General
20 Plan and the priority policies of Planning Code Section 101.1.

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