State of California

Business, Transportation and Housing Agency

Memorandum

To: DISTRICT DIVISION PLANNING CHIEFS

Date : December 13, 1995

File No. :

From: **DEPARTMENT OF TRANSPORTATION**
ENVIRONMENTAL PROGRAM

Subject : PUC General Order 131-D

On September 28, 1995, Gene Mattocks, Chief of the Acquisition and Utilities Relocation Branch in the Right of Way and Asset Management Program, sent a memo to the District Division Chiefs for Right of Way informing them of Public Utilities Commission General Order 131-D, dated August 11, 1995. This order addresses the special permitting and environmental review requirements for major relocations of privately-owned (PUC regulated) power lines and substations operating at voltages in excess of 50KV. Relocations of power lines and/or substations operating at 50KV and above must be reviewed under CEQA at both the project planning phase and at the relocation plan approval stage so as to qualify for an exception in compliance with Section IX.B. of the General Order.

The General Order included a period, ending on December 31, 1995, during which projects would be "grandfathered" into compliance. In anticipation of the end of that period, we have developed, in consultation with the PUC, a procedure to insure that utility owners furnish the PUC staff all of the environmental information that the PUC needs for approval of the relocation of electric power and transmission lines that are over 50KV.

It is our understanding that the PUC staff is not overly concerned that transportation projects raise any unusual issues regarding the relocation of power lines, but that there is a need for Caltrans to carefully address potential concerns when those lines might be moved closer to residences, schools, and other sensitive areas.

For all projects from this date forward the environmental review and documentation needs to specifically address the location of existing 50KV, or greater, power lines; the potential relocation impacts; and a conclusion of whether a significant effect will result. As before, this is one additional area that needs to be considered as design progresses and utility relocation plans are completed.

At the time Caltrans receives the utility owner's proposed relocation plan (this follows the submittal of conflict plans to the utility owner by Caltrans District Utility Coordinator at the 65% plan completion stage) the District environmental unit needs to work together with the District Utility Coordinator to review the proposal for potential environmental impacts and to select the exception clause under PUC General Order 131-D Section III. B.1., which the District sends to the utility owner for each power line or substation operating at 50KV or greater. The exception clauses are:

a. power line facilities or substations with an in-service date occurring before January 1, 1996, which have been reported to the [Public Utilities] Commission in accordance with the Commission's decision adopting GO 131-D.

b. the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.

c. the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures.

d. the conversion of existing overhead lines to underground.

e. the placing of new or additional conductors, insulators, or their accessories on supporting structures already built.

f. power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation.

g. power line facilities or substations to be located in an existing franchise, road-widening setback, easement, or public utility easement; or in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts.

h. the construction of projects that are statutorily or categorically exempt pursuant to Section 15260 et seq. of the Guidelines adopted to implement the CEQA, 14 Code of California Regulations Section 15000 et seq. (CEQA Guidelines).

Section III. B. 2 states that the foregoing exemptions shall not apply when any of the conditions specified in CEQA Guidelines Section 15300.2 exist:

a. there is reasonable possibility that the activity may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies; or

b. the cumulative impact of successive projects of the same type in the same place, over time, is significant; or

c. there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

In addition, the District environmental unit will supply to the District Utility Coordinator one of the following:

- If the underlying project is statutorily exempt: a statement of the appropriate PRC section and information specifically supporting that the utility relocation is consistent with a statutory exemption determination that can be made by PUC.

- If the underlying project is categorically exempt: a copy of the Notice of Exemption (NOE) together with a statement specifically identifying the utility relocation being consistent with the C.E. determination.

- If the underlying project resulted in the preparation of an Negative Declaration (ND): a copy of the ND (one page) and specific excerpts from the Initial Study addressing utility relocation; a statement that the specific power line relocation has been reviewed and there are no resulting significant impacts; and a copy of the Notice of Determination (NOD) filed with OPR.

- If the underlying project resulted in an EIR: a copy of the title page; excerpts, statement and NOD as shown for ND above.

Questions on these requirements should be directed to your Headquarters Environmental Coordinator.

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