

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



Contract Number  
19-355 A-1

SAP Number

## Regional Parks Department

Department Contract Representative  
Telephone Number

Beahta Davis, Director  
(909) 387-2340

Contractor  
Contractor Representative  
Telephone Number  
Contract Term  
Original Contract Amount  
Amendment Amount  
Total Contract Amount  
Cost Center

Southern California Edison  
Joseph C. Schaefer  
(909) 274-1591  
5/4/21 – 10/2022  
\$0  
\$0  
\$0  
6520002702

**Briefly describe the general nature of the contract:** This Amendment No. 1 to Consent Agreement 19-355 with Southern California Edison extends the term of the project to have a completion date of October 2022 to allow construction of the Santa Ana River Trail Phase III, over Southern California Edison easements on the Santa Ana River in the cities of San Bernardino and Redlands.

**FOR COUNTY USE ONLY**

Approved as to Legal Form

►   
Dawn Martin, County Counsel

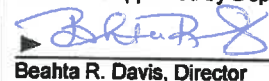
Date 5/7/21

Reviewed for Contract Compliance

►   
Patrick Scalzitti, Finance and Operations Chief

Date \_\_\_\_\_

Reviewed/Approved by Department

►   
Beahta R. Davis, Director

Date 5/7/2021



San Bernardino County Regional Parks Department  
777 East Rialto Street  
San Bernardino, CA 92415-0763

May 04, 2021

Attention: Beahta Davis, Director

Subject: Time Extension Amendment

Project: Santa Ana River Trail (SART) – Phase III  
Request: “14’ Wide Pedestrian/Recreation Trail” that will Traverse 4 SCE Easements.  
Location: Along South Bank of Santa Ana River, from Waterman Ave to California Street, in the Cities of San Bernardino & Redlands.  
SCE Facility Names: Calelectric-Homart-Mentone 115kV, El Casco-Purewater-Vista 115kV, San Bernardino-Cardiff-Colton 66kV & San Bernardino-Cardiff 66kV.  
R.P. File Number: CON203427236

Dear: Beahta Davis,

Southern California Edison (SCE), has reviewed and approved your request for “14’ Wide Pedestrian/Recreation Trail” as shown on the attached plan & profiles entitled “striping and signage, retaining wall, drainage, turnaround details, typical sections & miscellaneous details, access ramp, and landscaping”, dated October 25, 2018, Sheets 1 of 36, date stamped and approved by Real Properties on November 16, 2018.

This agreement is personal to SB County Regional Parks Department, (Consentee) and is not transferable without SCE’s prior written consent, except in connection with a sale of the property. Please be advised, you have one year (12 months) from the date of this Consent Letter in order to commence with construction of this project. If construction has not begun by that time, all plans must be re-evaluated to ensure compliance with the then current SCE Policies and Guidelines. This is necessary to verify no changes to the plans or scope of work were made that affect the consent conditions agreed upon. If during the time of the delay in commencement of work there were no changes made to SCE’s “Policies and Guidelines”, and no changes were made to the final plans, a simple refresh of the start date listed in the existing consent agreement may be negotiated. This consent (to the extent required under the subject easement) is subject to the following:

1. Adequate access to all structures must be provided and at no time is there to be any interference with the free movement of SCE’s equipment and materials. (See Addendum 1 Table 1 - Standard Clearances)
2. At no time shall access to any SCE’s facility be cut off or impeded in any way during any temporary grading operation.

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3. All equipment working on the right of way must maintain a minimum clearance of 25-feet from all SCE structures in conjunction with the minimum clearances set forth in the California Code of Regulations, Title 8 Section 2946, Article 37 "Provisions for Preventing Accidents Due to Proximity to Overhead Lines" The minimum required equipment clearances also include SCE's Operating Conditions in which a minimum distance shall be maintained from all overhead conductors. (See Addendum 2 Table 2) If this minimum clearance cannot be maintained for any reason, SB County Regional Parks Department will notify SCE and SCE may (at their own discretion), order an outage at the sole expense of SB County Regional Parks Department.
4. Existing SCE facilities shall be protected in place. Prior to starting work, the SCE Real Properties Agent assigned to this project, shall be notified of the intended method of protection.
5. Any modifications of or changes in approved plans must be approved, in writing, by SCE Real Properties agent, prior to commencement of development.
6. The SCE right of way shall be left in a condition satisfactory to SCE. The cost to repair any damage caused by SB County Regional Parks Department to the access roads, slopes, turnaround area, underground or overhead facilities, or any SCE facilities shall be paid for by SB County Regional Parks Department.
7. SB County Regional Parks Department agrees that all construction equipment, when not in use, shall be parked clear of SCE's right of way and rendered immobile.
8. Fill shall be compacted throughout their full extent to a minimum of 90 percent of maximum dry density as determined by A.S.T.M. Soil Compaction Test D-1557-78 and inspected and approved by the SB County Regional Parks Department Geotechnical Engineer.
9. SB County Regional Parks Department understands that SCE will be maintaining its facilities, which includes washing of insulators.
10. Flammable or toxic materials must not be stored on the right of way.
11. Servicing, refueling, maintenance and/or repair of equipment on SCE's right of way are strictly prohibited.
12. Underground facilities installed on the right of way shall have a minimum cover of Three feet (up to Seven feet depending on facility type and location). The ground cover shall be a minimum of Five feet where the underground facility crosses access roads that are earthen. All underground facilities shall be capable of withstanding a gross load of 40 tons on a three-axle truck. All pipelines and underground facilities must conform to ASTM standards as well as any State and Local agency requirements and specifications.
13. Horizontal underground clearances from SCE structures or facilities must be a minimum of Ten feet. Vertical underground facilities clearances from SCE structures or facilities must be a minimum of Three feet, and possibly up to seven

feet (depending on type of crossing and voltage). If underground crossings to SCE facilities are made by water lines, SB County Regional Parks Department shall be responsible for potential underground installations that result in induced voltages (i.e. Cathodic Protection)

14. No additional structures or other development shall be permitted within the SCE right of way, other than those approved herein.
15. This Agreement must be in the possession of SB County Regional Parks Department employees or its contractors, while on SCE's right of way, as a condition for issuance of the Agreement.
16. SCE shall be held harmless from any damage on or off the right of way resulting from the work being performed as described herein. In addition, approval of these drawings by SCE does not relieve the SB County Regional Parks Department, or its engineers from any liability arising out of their design or construction of the project. SCE reviews of project plans shall not replace permitting agency plan check.
17. Staging of equipment or materials shall not be permitted within the SCE right of way.
18. SB County Regional Parks Department shall adequately account for existing hydrological patterns in proposed design such that storm water runoff and potential debris flows are adequately incorporated into the design. SB County Regional Parks Department shall assume all liability for any damage on or off the right of way resulting from any grading on the right of way and/or change in water flow.
19. The following specifications shall apply to access roads installed, reconstructed, relocated, or modified:
  - A. The roads gradients shall be leveled by cut and fill operations such that any sustained grade does not exceed 12%. If it exceeds 12% the road shall be paved and capable of supporting 40-tons on a three axle truck.
  - B. The cross-slope for all access roads shall not exceed 2% and shall slope to the inside.
  - C. All paved roads shall be constructed to Bridge Standard HS-20.
20. All slopes within or adjacent to the subject right of way shall be a maximum slope of 2:1 (2 horizontal to 1 vertical).
21. The SCE right of way shall be graded to provide positive drainage from all areas and have adequate channelization to prevent erosion of slopes and access roads.
22. No parking is allowed within SCE's right of way.
23. Adequate grounding must be provided on all fencing and metallic structures. All grounding shall be engineered by a licensed Electrical Engineer in the state in which the work will be performed. A copy of grounding plans developed by the engineer, and used for the project, shall be provided to SCE for record.

24. SB County Regional Parks Department agrees to, at all times, maintain the (Riding/Hiking/Biking) trail planned to be installed on SCE's right of way in a safe condition satisfactory to SCE.
25. SB County Regional Parks Department agrees to close said trail at any time when in SCE's sole opinion it is deemed necessary to do so to protect the safety of the general public. In the event it is necessary to close the trail for a period of more than three (3) days, SB County Regional Parks Department agrees to notify the general public of such closure and post signs at all access points.
26. SB County Regional Parks Department agrees to accept responsibility for all erosion control in connection with the construction, operation, maintenance and use of said trail including but not limited to water flowing onto lands of others. SB County Regional Parks Department further agrees to perform any corrective work deemed necessary by SCE to protect SCE's facilities and land, and the land of others.
27. Under no circumstances shall SCE's right of way be used or dedicated by SB County Regional Parks Department for any environmental mitigation efforts. Any water quality measures, such as bio-retention, bio-swales, or other water quality features requiring maintenance shall not be allowed on the right of way.

**Addendum 1 Table 1 Standard Horizontal Clearances from SCE Facilities**

<u>Towers, Engineered Steel Poles &amp; H-Frame</u>	<u>Voltages 161kv to 500kv</u>
Lattice-Aesthetic & H-Frame (Dead-end)	100 ft.
Engineered Steel Poles (Dead-end)	100 ft.
Suspension Towers & H-Frames	50 ft.
Engineered Steel Poles (Suspension)	50 ft.
<u>Towers, Wood and Lt-Weight Steel Poles &amp; H frames</u>	<u>Voltages 66kv to 115kv</u>
Lattice Anchor Towers (dead-end)	100 ft.
Lattice Suspension Towers	50 ft.
Engineered Steel Poles with Foundation (TSP) (dead-end)	25 ft.
H-Frame	25 ft.
Wood poles	25 ft.
Light weight steel poles	25 ft.
Anchors Rods	10 ft.
Guy Wires	10 ft.
Guy Poles	10 ft.

**Addendum 2 - Table 2 Minimum Working Clearance-Distances**

<u>Voltage</u>	<u>Minimum clearance distance</u>
<u>(Nominal, kV, alternating current)</u>	<u>(Feet)</u>
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Up to 50	10
Over 50 to 175	15
Over 175 to 350	21
Over 350 to 550	27
Over 550 to 1,000	45
Over 1,000 As established by the utility owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution. Note: The value that follows "to" is up to and includes that value. For example, over 50 to 200 means up to and including 200kV.	

A. All costs incurred for the proposed project shall be borne by SB County Regional Parks Department.

B. This Consent is executed subject to General Order No. 69-C, of the Public Utilities Commission of the State of California dated and effective July 10, 1985, incorporated herein by this reference. As set forth in General Order No. 69-C, this grant is made conditional upon the right of SCE either on order of the Public Utilities Commission or on SCE's own motion to resume the use of the property in question (including, but not limited to the removal of any obstructions) whenever, in the interest of SCE's service to its patrons or consumers, it shall appear necessary or desirable to do so. SB County Regional Parks Department agrees to comply with all applicable federal, state and local laws and regulations. This Consent should not be construed as a subordination of SCE's rights, title and interest in and to its easements, nor should this Consent be construed as a waiver of any of the provisions contained in said easements or a waiver of any costs of relocation of affected SCE facilities.

C. All notice required to be given to SCE herein, shall be made in writing and shall be deposited in the United States mail, first class, postage prepaid, addressed as follows:

Southern California Edison Company  
Real Properties Department  
2 Innovation Way, 2nd Floor  
Pomona, CA 91768

SB County Regional Parks Department agrees, for itself, and for its and their agents and employees and any person or persons claiming under SB County Regional Parks Department to save harmless and indemnify SCE, its successors and assigns and its and their officers, agents, and employees, from and against all claims, demands, loss, damage, actions, causes of action, expense and/or liability arising or growing out of loss of or damage to property, including the property of SCE, its successors and assigns, and its and their officers, agents, and employees, or injury to or death of persons resulting in any manner, directly or indirectly, from the maintenance, use, operation, repair or presence of the use approved herein.

There are numerous sources of power frequency electric and magnetic field ("EMF"), including household or building wiring, electrical appliances and electric power transmission and distribution facilities. There have been numerous scientific studies about the potential health effects of EMF. Interest in a potential link between long-term exposures to EMF and certain diseases is based on the combination of this scientific research and public concerns.

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While some 30 years of research have not established EMF as a health hazard, some health authorities have identified magnetic field exposures as a possible human carcinogen. Many of the questions about specific diseases have been successfully resolved due to an aggressive international research program. However, potentially important public health questions remain about whether there is a link between EMF exposures in homes or work and some diseases including childhood leukemia and a variety of other adult diseases (e.g. adult cancers and miscarriages). While scientific research is continuing on a wide range of questions relating to exposures at both work and in our communities, a quick resolution of the remaining scientific uncertainties is not expected.

Since you plan to enter SCE's right of way that is in close proximity to SCE's electric facilities, SCE wants to share with you and those who may enter the property under this agreement, the information available about EMF. Accordingly, SCE has attached to this document a brochure that explains some basic facts about EMF and that describes SCE's policy on EMF. SCE also encourages you to obtain other information as needed to assist you in understanding the EMF issues with respect to your planned use of this right of way.

It is SB County Regional Parks Department responsibility to determine if the consent of any other party owning an interest in the property is required and to obtain such consent prior to engaging in any activity permitted hereby on the property.

We would appreciate the project completion date inserted in the space provided below.

Please have SB County Regional Parks Department sign and date the enclosed copy of this letter, thereby indicating acceptance of the above conditions, and return the signed copy to this office using the enclosed envelope.

As previously indicated, it is necessary that the use of the land within an operating high voltage transmission line right of way be closely coordinated. For this reason, it will be necessary for SCE to assume your project has been either delayed or cancelled in the event the copy of this letter has not been signed and returned within sixty (60) days from the date of this letter. Should this occur, any consent granted or implied is voided without further notice in order to protect our rights and facilities. If the project is subsequently reactivated, please contact SCE again prior to the start of any construction, referencing our Real Properties file number. We will then work together with you to ensure the project is coordinated so as to avoid interference with SCE installations and operations.

SCE appreciates the opportunity to review your plans and thanks you for your cooperation in coordinating your project with our company. If you have any questions please contact me at (909) 786-7825.

This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Agreement upon request.

## San Bernardino County Regional Parks Department

Accepted and Approved - Dated: MAY 18 2021

Signature: *Curt Hagman*

Print Name: Curt Hagman

Title: Chairman, Board of Supervisors

Estimated Completion Date: OCTOBER, 2022

## Southern California Edison Company

Accepted and Approved - Dated: MAY 4, 2021

Signature: *Joseph C. Schaeffer*

Print Name: JOSEPH C. SCHAEFFER

Title: REAL ESTATE & FACILITIES SPECIALIST

SIGNED AND CERTIFIED THAT A COPY OF  
THIS DOCUMENT HAS BEEN DELIVERED  
TO THE CHAIRMAN OF THE BOARD  
LYNNA MONELL  
Clerk of the Board of Supervisors  
of the County of San Bernardino

By *Lynna Monell*

