

SAN FRANCISCO PUBLIC WORKS CODE SECTION 906 ET SEQ.
(Part II, Chapter X of the San Francisco Municipal Code) Amended June 22, 2007.

SEC. 906. NOTICE TO REMOVE OR RELOCATE UTILITY FACILITIES.

(a) Whenever any public work is authorized by the Board to be done under the supervision of the Director upon, in, over or under any of the streets, the Director, before the commencement of the work, shall notify in writing any owner or operator having utility facilities of any nature upon, in, over or under the streets to remove or adjust so much of his or their facilities as will allow the prosecution of the public work. The Notice shall be accompanied by a copy of the plans and specifications for the authorized public work showing the location of the work in the streets and describing the same. The Notice shall specify a time within which all affected utility facilities must be removed or adjusted.

(b) The evolution of urban rail, trolley coach and motor bus passenger systems from private operations under franchise operating without tax subsidies to publicly owned and operated systems under federal, state and local policies mandating intra-city passenger service at revenue levels which require a substantial measure of tax support, the paramount right of the people as a whole to use the public streets, and the level of service provided being essential to the circulation, health, safety, comfort and welfare of people in an urban setting, and the need for improved transportation systems to meet increasing demand for development and maintenance of an adequate, safe and efficient transportation system requires that this service be recognized and defined as a governmental activity within the City's police powers.

Accordingly, whenever any public work relating to the Municipal Railway is authorized by the Municipal Transportation Agency to be done under the supervision of the Director of Transportation upon, in, over or under any of the streets, the Director of Transportation, before the commencement of the work, shall notify in writing any owner or operator having utility facilities of any nature upon, in, over or under the streets to remove or adjust so much of his or their facilities as will allow the prosecution of the public work. The Notice shall be accompanied by a copy of the plans and specifications for the authorized public work showing the location of the work in the streets and describing the same. The Notice shall specify a time within which all affected utility facilities must be removed or adjusted.

(c) The Public Utilities Commission owns and operates certain utility facilities in the City and County of San Francisco that provide essential services that are necessary to protect the public health, safety and welfare. Accordingly, whenever any public work upon, in, over or under any of the streets relating to the Public Utilities Commission is authorized to be done under the supervision of the General Manager, the General Manager, before the commencement of the work, shall notify in writing any owner or operator having utility facilities of any nature upon, in, over or under the streets to remove or adjust so much of his or their facilities as will allow the prosecution of the public work. The Notice shall be accompanied by a copy of the plans and specifications for the authorized public work showing the location of the work in the streets and describing the same. The Notice shall specify a time within which all affected utility facilities must be removed or adjusted.

SEC. 907. OWNERS MUST REMOVE IN REQUIRED TIME. Any owner or operator having utility facilities upon, in, over or under the streets upon, in, over or under which any public work is authorized to be done, shall, upon receipt of a Notice pursuant to Section 906, and at his expense, cause to be removed or to be adjusted within the time specified in the Notice, so much of the affected utility facilities belonging to or under the control of such owner or operator as will allow the authorized work to be prosecuted according to the plans and specifications therefor.

SEC. 908. FAILURE - WORK MAY BE DONE BY DIRECTOR, DIRECTOR OF TRANSPORTATION OR GENERAL MANAGER.

(a) If any owner or operator except a City agency or department shall fail, neglect or refuse to comply with the requirements set forth in a Notice issued pursuant to Section 906(a) then, and in that event, the Director shall cause to be removed or be adjusted so much of the utility facilities as may be required for the prosecution of the said authorized public work according to the plans and specifications for the work;

and the incidental expenses incurred in the removal or adjustment shall be chargeable to the owner or operator failing, neglecting or refusing to comply with the requirements of the Notice, and may be recovered in an action at law brought in the name of the City against such owner or operator.

(b) If any owner or operator except a City agency or department shall fail, neglect or refuse to comply with the requirements set forth in a Notice issued pursuant to Section 906(b) then, and in that event, the Director of Transportation shall cause to be removed or adjusted so much of the utility facilities as may be required for the prosecution of the said authorized public work according to the plans and specifications for the work; and the incidental expenses incurred in the removal or adjustment shall be chargeable to the owner or operator failing, neglecting or refusing to comply with the requirements of the Notice, and may be recovered in an action at law brought in the name of the City against such owner or operator.

(c) If any owner or operator except a City agency or department shall fail, neglect or refuse to comply with the requirements set forth in a Notice issued pursuant to Section 906(c) then, and in that event, the General Manager shall cause to be removed or adjusted so much of the utility facilities as may be required for the prosecution of the said authorized public work according to the plans and specifications for the work; and the incidental expenses incurred in the removal or adjustment shall be chargeable to the owner or operator failing, neglecting or refusing to comply with the requirements of the Notice, and may be recovered in an action at law brought in the name of the City against such owner or operator.

SEC. 909. AGREEMENT WITH OWNER OR OPERATOR.

(a) The Director, with the approval of the City Administrator, may enter into an agreement with the owner or operator of any utility facility which may require support, protection and working around in order to successfully prosecute the construction of public work, to have any such support, protection and working around included as a part of a contract for public work. The cost of any such support, protection and working around a utility facility shall be borne by the owner or operator thereof.

(b) The Director of Transportation may enter into an agreement with the owner or operator of any utility facility which may require support, protection and working around in order to successfully prosecute the construction of public work, to have any such support, protection and working around included as a part of a contract for public work. The cost of any such support, protection and working around a utility facility shall be borne by the owner or operator thereof.

(c) The General Manager, with the approval of the Public Utilities Commission, may enter into an agreement with the owner or operator of any utility facility which may require support, protection and working around in order to successfully prosecute the construction of public work, to have any such support, protection and working around included as a part of a contract for public work. The cost of any such support, protection and working around a utility facility shall be borne by the owner or operator thereof.

SEC. 910. PROVISION FOR ADMINISTRATION, ETC. - COST.

(a) Pursuant to Section 909(a) the Department will provide administration and other necessary services during the progress of the construction. The estimated cost of administration, preparation and supervision of the contract attributable to the work, shall be included in the agreement.

(b) Pursuant to Section 909(b) the Municipal Transportation Agency will provide administration and other necessary services during the progress of the construction. The estimated cost of administration, preparation and supervision of the contract attributable to the work, shall be included in the agreement.

(c) Pursuant to Section 909(c) the Public Utilities Commission will provide administration and other necessary services during the progress of the construction. The estimated cost of administration, preparation and supervision of the contract attributable to the work, shall be included in the agreement.