



Fighting to Save San Diego’s Utility Undergrounding Program

By City Attorney Mara W. Elliott

For years the City of San Diego has been working to remove tangles of unsightly overhead power lines, with the goal of beautifying neighborhoods, increasing walkability, and protecting the public from exposed infrastructure.

These widely-supported efforts were nearly derailed by a recent lawsuit. That’s why I’ve dispatched my Office’s highly skilled litigators to defend San Diego’s undergrounding program and ensure uninterrupted continuation.

The party bringing the lawsuit is seeking a multimillion dollar payout from a fund specifically set aside to pay for undergrounding overhead lines.

SDG&E ratepayers are likely unaware of the drama playing out in court. Yet it’s at times like this that I am most proud of the quiet work our Office does to protect San Diego taxpayers.

Most neighborhoods in San Diego were built when overhead power lines ran along the streets, often webbing through the trees. It wasn’t aesthetically pleasing, and the frequent power poles made many of our sidewalks hard to navigate, especially for those using wheelchairs or pushing strollers.

Overhead power lines also create a significant public safety hazard, especially in wildfire-prone areas of the city, where a power line detached by high winds can quickly lead to an out-of-control fire, resulting in terrible losses of lives and property. Even without the threat of fire, a downed power line can be extraordinarily dangerous to motorists and pedestrians.

For decades, we all have been paying a surcharge on our SDG&E bills to have these power lines moved underground.

But in 2015 a lawsuit was filed saying this charge was actually an illegal tax and needed to be approved by voters. That isn’t what the law says, however. Our attorneys proved to a San Diego Superior Court Judge that years of undergrounding in San Diego neighborhoods was done properly and legally and there was no reason to shut down the fund or give any of its money to the lawyers who filed the lawsuit.

An appeal was filed and in November the Fourth District Court of Appeal affirmed the Superior Court’s ruling, and the City once again prevailed. The complainants have now petitioned the California Supreme Court to review their meritless case.

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Our goal is to ensure the vital work to underground overhead utility lines throughout San Diego can continue, rather than spending years bogged down in costly litigation.

The City Attorney's Office stands ready to protect our City from those who aim to stop progress in its tracks. I consider it our duty to defend taxpayers against baseless lawsuits that waste resources and interfere with important projects that enhance our quality of life.

The ability to go outside to take in the lovely views of our ocean, sunsets, mountains, and canyons has never been more important as we find ways to endure the challenges of this lengthy global pandemic. And now, more San Diegans can look forward to a future without the blight of power poles and overhead utility lines in the picture.

To learn about the utility undergrounding process in your neighborhood, visit:

<https://www.sandiego.gov/undergrounding>

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