



# City of Culver City

## Staff Report

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**File #:** 18-0264, **Version:** 1

**Item #:** C-3.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Edison Carrier Solutions for Use of the Public Right-of-Way along National Boulevard, Helms Avenue and Higuera Street.**

**Meeting Date:** October 09, 2017

**Contact Person/Dept:** Christopher Evans/PW

**Phone Number:** 310.253.5621

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

**Commission Action Required:** Yes  No  **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (10/04/17); (E-Mail) Edison Carrier Solutions (09/11/17)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer 09/12/17

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### RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Edison Carrier Solutions (Edison) for use of the public right- of- way to install 4,003 feet of fiber optic cable along National Boulevard, Helms Avenue and Higuera Street.

### BACKGROUND/DISCUSSION

Edison is proposing to install a new fiber optic pathway for their private customer at 3555 Hayden Avenue.

The work involves installing 4,003 feet of new aerial and underground fiber optic line across existing utility poles and through existing underground conduit. The route begins at an existing utility pole 160 feet east of Schaeffer Street on National Boulevard. The proposed fiber optic continues for 442 feet west on National Boulevard, then 1619 feet south on Helms Avenue, and then 340 feet east on Higuera Street. The proposed fiber optic line will then go underground into existing conduit and continue 1602 feet east on Higuera Street. The proposed fiber optic line will then go aerial at an

existing utility pole and run 50 feet south into the City of Los Angeles.

#### Legal Framework

Edison is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Edison to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication lines along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by holders of Certificates of Public Convenience & Necessity but allow municipalities to impose reasonable time, place and manner regulations pertaining to construction of telecommunications facilities within the City's rights-of-way.

The City's time, place and manner regulations will be documented in an Encroachment Agreement between the City and Edison. To protect the City's interests, this agreement will contain provisions requiring that Edison repair any damage to City property, carry adequate liability insurance and defend the City if it is sued for damages caused by Edison.

#### FISCAL ANALYSIS

Per Section 11.20.025B of the Culver City Municipal Code, the City may collect an application fee as compensation for City staff time expended in reviewing telecommunication applications. Based on Resolution No. 2013-R034, the City's Fee Resolution for Fiscal Year 2016-17, a fee in the amount of \$3,927 will be paid by Edison prior to the issuance of a Utility Permit for this project.

#### ATTACHMENTS

1. 2017-09-25 - ATT System Exhibit
2. 2017-09-25 - ATT Proposed Resolution

#### MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Edison Carrier Solutions for 4,003 linear feet of proposed fiber optic telecommunication cable in the public right-of-way along National Boulevard, Helms Avenue and Higuera Street;
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute the documents on behalf of the City