



# City of Culver City

## Staff Report

---

**File #:** 18-0894, **Version:** 1

**Item #:** C-4.

---

**CC - Adoption of a Resolution Approving an Encroachment Agreement with AT&T for Use of the Public Right-of-Way to Install 153 Feet of Fiber Optic Cable Along the South Side of Washington Boulevard Starting Near the Corner of Hines Avenue and Continuing Eastwards to 2533 South Fairfax Avenue.**

**Meeting Date:** March 13, 2018

**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 (03/07/18); (E-Mail) AT&T (02/13/18)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer 3/1/18

---

### **RECOMMENDATION**

Staff recommends the City Council adopt a resolution approving an encroachment agreement with AT&T for use of the public right-of-way to install 153 feet of fiber optic cable along the south side of Washington Boulevard starting near the corner of Hines Avenue and continuing eastwards to 2533 South Fairfax Avenue.

### **BACKGROUND/DISCUSSION**

AT&T is proposing to install a new fiber optic pathway for their private customer at 2533 South Fairfax Avenue.

The work involves installing new underground conduit and fiber optic line. The route begins at an existing manhole located on the south side of Washington Boulevard approximately 55 feet east of Hines Avenue. The conduit will then run 153 feet eastward to 2533 South Fairfax Avenue.

The total distance of the new installation in the public right-of-way is 153 linear feet. There are no utility poles proposed along the route. All work will be underground and placed via directional boring.

### Legal Framework

AT&T is the holder of a statewide video franchise issued by the California Public Utilities Commission. This franchise authorizes AT&T 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 statewide video franchises 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 AT&T. To protect the City's interests, this agreement will contain provisions requiring that AT&T repair any damage to City property, carry adequate liability insurance and defend the City if it is sued for damages caused by AT&T.

### 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 AT&T prior to the issuance of a Utility Permit for this project.

### ATTACHMENTS

1. 2018-03-19 - ATT System Exhibit
2. 2018-03-19 - ATT Proposed Resolution

### MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with AT&T for use of the public right- of- way to install 153 feet of fiber optic cable starting along the south side of Washington Boulevard starting near the corner of Hines Avenue and continuing eastwards to 2533 South Fairfax Avenue;
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

