



City of Culver City

Staff Report

File #: 19-555, **Version:** 1

Item #: C-9.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Zayo Group for Use of the Public Right-of-Way to Install 170 Feet of Fiber Optic Cable Starting on the West Side of Corryne Place, Running North to Slauson Avenue and then Running West Along Slauson Avenue.

Meeting Date: December 10, 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 (12/05/18); (E-Mail) Time Warner Cable (11/05/18)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (11/28/18)

RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Zayo Group for use of the public right-of-way to install 170 feet of fiber optic cable starting on the west side of Corryne Place, running north to Slauson Avenue and then running west along Slauson Avenue.

BACKGROUND/DISCUSSION

Zayo Group is proposing to install a new fiber optic pathway to expand their fiber optic network.

The work involves installing new underground conduit and fiber optic line. The work starts at an existing utility pole located on the west side of Corryne Place from where the proposed line will run 4 feet to a new CATV vault. The line then continues east into the street where the line then will turn north running approximately 70 feet to Slauson Avenue. The line will then turn west and run approximately 78 feet where it then stops and runs south into the sidewalk to a proposed CATV vault

and then continues 13 feet north into the roadway terminating at an existing manhole.

The total distance of the new installation in the public right-of-way is 170 linear feet. There are no new utility poles proposed along the route. All fiber optic conduit will be installed via directional boring and trenching.

Legal Framework

Zayo Group is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Zayo Group 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 Certificate of Public Convenience & Necessity holders 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 Time Warner Cable. To protect the City's interests, this agreement will contain provisions requiring that Zayo Group repair any damage to City property, carry adequate liability insurance and defend the City if it is sued for damages caused by Zayo Group.

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 a fee in the amount of \$3,927 will be paid by Zayo Group prior to issuance of an encroachment permit.

ATTACHMENTS

1. 2018-12-10 - ATT System Exhibit
2. 2018-12-10 - ATT Proposed Resolution

MOTION

That the City Council:

1. Adopt a resolution approving an encroachment agreement with Zayo Group for use of the public right-of-way to install 170 feet of fiber optic cable starting on the west side of Corryne Place, running north to Slauson Avenue and then running west along Slauson 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