



# City of Culver City

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## Staff Report

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**File #:** 15-862, **Version:** 1

**Item #:** C-18.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Level 3 Communications for Use of Culver City Public Right-of-Way adjacent to 6601 Center Drive West.**

**Contact Person/Dept:** Sammy Romo/Public Works  
**Phone Number:** 310-253-5619

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☐

**Action Item:** ☐

**Attachments:** Yes ☒ No ☐

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

**Commission Name:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (06/08/2016)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (06/03/16)

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### **RECOMMENDATION**

Staff recommends the City Council adopt a resolution approving an Encroachment Agreement with Level 3 Communications for 480 linear feet of proposed fiber optic telecommunication cable in the public right-of-way adjacent to 6601 Center Drive West, Los Angeles.

### **BACKGROUND/DISCUSSION**

Level 3 Communications is proposing to install a new fiber optic pathway in Culver City for their private customer located in the City of Los Angeles at 6601 Center Drive West.

The proposed new fiber optic conduit begins at the applicant's existing vault on Centinela Avenue, just north of Sepulveda Boulevard. The proposed route from the vault goes south for 400 feet along Centinela Avenue, then turns west for 80 feet into the property at 6601 Center Drive West. All work will be under ground and installed by directional boring.

The total distance of the new installation in the public right-of-way is 480 linear feet. There are no new utility poles proposed along the route.

### **Legal Framework**

Level 3 Communications is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Level 3 Communications 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 Level 3 Communications. To protect the City's interests, this agreement will contain provisions requiring that Level 3 Communications repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Level 3 Communications and post a performance bond prior to commencing work on this project.

### **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 2015-16, a fee in the amount of \$3,927 was paid by Level 3 Communications on June 3, 2016.

### **ATTACHMENTS**

1. System Exhibit
2. Proposed Resolution

### **RECOMMENDED MOTIONS**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Level 3 Communications for 480 linear feet of proposed fiber optic telecommunication cable in the public right-of-way adjacent to 6601 Center Drive West;
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.