



City of Culver City

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Staff Report

File #: 16-1103, **Version:** 1

Item #: C-12.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way Near 10567 and 10559 Jefferson Boulevard.

Meeting Date: June, 26, 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 (06/21/17); (E-Mail) Time Warner Cable (06/02/17)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (06/14/17)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution approving an encroachment agreement with Time Warner Cable (TWC) for use of the Public Right-of-Way to install fiber optic cable at 10567 Jefferson Boulevard.

BACKGROUND/DISCUSSION

TWC is proposing to install a new fiber optic pathway for their private customer at 10567 Jefferson Boulevard.

The work involves installing new underground conduit and fiber optic line. The route begins on the northwest side of Jefferson Boulevard at 10559 Jefferson Boulevard then runs 191 feet to a proposed new vault, then 8 more feet into the private property at 10567 Jefferson Boulevard.

The total distance of the proposed new installation in the public right-of-way is 199 linear feet. All the work will be underground and placed via directional boring with the last 8 feet via trenching.

Legal Framework

TWC is the holder of a statewide video franchise issued by the California Public Utilities Commission. This franchise authorizes TWC 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 TWC. To protect the City's interests, this agreement will contain provisions requiring that TWC repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by TWC 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 2016-17, a fee in the amount of \$3,927 was paid by TWC.

ATTACHMENTS

1. 2017-06-26 - TWC System Exhibit
2. 2017-06-26 - TWC Proposed Resolution

MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable for 199 linear feet of proposed fiber optic telecommunication cable in the public right-of-way near 10567 and 10559 Jefferson Boulevard;
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