



# City of Culver City

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## Staff Report

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**File #:** 19-169, **Version:** 1

**Item #:** C-3.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Crown Castle for Use of the Public Right-of-Way to Install 925 Feet of Fiber Optic Cable Starting at the Intersection of Hayden Avenue and Warner Drive and Running Eastwards Along Warner Drive to 8440 Warner Drive.**

**Meeting Date:** September 11, 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 (09/04/18); (E-Mail) Crown Castle (08/08/18)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (08/30/18)

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### **RECOMMENDATION**

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Crown Castle for use of the public right-of-way to install 925 feet of fiber optic cable starting at the intersection of Hayden Avenue and Warner Drive and running eastwards along Warner Drive to 8440 Warner Drive.

### **BACKGROUND/DISCUSSION**

Crown Castle is proposing to install a new fiber optic pathway for their private customer at 8440 Warner Drive.

The work involves installing 925 linear feet of new aerial and underground fiber optic line across existing utility poles and through new underground conduit. The work entails running three new underground fiber optic conduits from the intersection of Hayden Avenue and Warner Drive 55 feet eastwards via directional bore to a new utility vault to be installed in the sidewalk at 8535 Warner

Drive. The fiber optic conduit will then run 5 feet via trench to an existing utility pole where the fiber optic line will be run up the pole to continue aerially. The fiber optic line will be pulled aerially eastwards over existing utility poles 679 feet, then cross Warner Drive southward for 62 feet, then continue eastwards 104 feet where the line will be pulled an additional 20 feet to the private property at 8440 Warner Drive.

### Legal Framework

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

### 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 was paid by Crown Castle.

### ATTACHMENTS

1. 2018-09-11 - ATT System Exhibit
2. 2018-09-11 - ATT Proposed Resolution

### MOTION

That the City Council:

1. Adopt a resolution approving an encroachment agreement with Crown Castle for use of the Public Right-of-Way to install 925 feet of fiber optic cable starting at the intersection of Hayden Avenue and Warner Drive and running eastwards along Warner Drive to 8440 Warner Drive;
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