



City of Culver City

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Council Chambers
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Staff Report

File #: 19-235, **Version:** 1

Item #: C-4.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way to Install 113 Feet of Fiber Optic Cable Starting at the Westerly Side of Green Valley Circle and Crossing the Roadway to Provide Service to 6666 Green Valley Circle.

Meeting Date: September 24, 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 (09/19/18); (E-Mail) Time Warner Cable (08/22/18)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (09/12/18)

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 113 feet of fiber optic cable starting at the westerly side of Green Valley Circle and crossing the roadway to provide service to 6666 Green Valley Circle.

BACKGROUND/DISCUSSION

TWC is proposing to install a new fiber optic pathway for their private customer at 6666 Green Valley Circle.

The work involves installing new underground conduit and fiber optic line. The proposed route begins from an existing CATV vault at 6205 Green Valley Circle and proceeds 63 feet across the roadway to the east side of the street. The line then runs 38 feet southerly, then 10 feet easterly to a proposed CATV vault, then another 2 feet westerly to a private property at 6666 Green Valley Circle.

The total distance of the new installation in the public right-of-way is 113 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

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

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 collected from Time Warner Cable before any permits are issued for this project.

ATTACHMENTS

1. 2018-09-24 - ATT System Exhibit
2. 2018-09-24 - ATT Proposed Resolution

MOTION

That the City Council:

1. Adopt a resolution approving an encroachment agreement with Time Warner Cable for use of the public right-of-way to install 113 feet of fiber optic cable starting at the westerly side of Green Valley Circle and crossing the roadway to provide service to 6666 Green Valley Circle;
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