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Title: Report regarding an ordinance amending Chapter 13.04 "Excavation and Construction On Public Property Regulated", and adding Chapter 13.40 "Open Trench Notification and Telecommunication Infrastructure Improvements" of the South San Francisco Municipal Code pertaining to open trench notifications and telecommunication infrastructure improvements. (Tony Barrera, Information Technology Director and Eunejune Kim, Public Works Director)

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Report regarding an ordinance amending Chapter 13.04 "Excavation and Construction On Public Property Regulated", and adding Chapter 13.40 "Open Trench Notification and Telecommunication Infrastructure Improvements" of the South San Francisco Municipal Code pertaining to open trench notifications and telecommunication infrastructure improvements. (Tony Barrera, Information Technology Director and Eunejune Kim, Public Works Director)

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance amending Chapter 13.04 "Excavation and Construction On Public Property Regulated" and adding Chapter 13.40 "Open Trench Notification and Telecommunication Infrastructure Improvements" of the South San Francisco Municipal Code pertaining to open trench notifications and telecommunication infrastructure improvements.

BACKGROUND

The Information Technology (IT) Department obtained the services of Tellus Venture Associates to develop an Open Trench Notification ordinance for the City of South San Francisco. The proposed additions to the South San Francisco Municipal Code will:

- Help build a city-owned broadband network;
• Install conduit (privately owned and publicly owned) for future use; and
• Preserve the life of roads within the City.

Broadband networks have become a necessity for 21st century technology. Technology relies on broadband infrastructure to provide high quality service that supports economic development, livability, public safety, education, healthcare, emergency communications, efficient government services, and smart city applications. Supporting IT infrastructure in the City, owned by private carriers as well as the City, will best position the City to meet its future needs which will growingly become more technology dependent.

Currently, the City owns a small broadband network which is used for traffic signals. Staff recommends expanding the network to connect City buildings, parks, Centennial Trail and support future technologies.

With the goal of expanding the broadband network, it is important to note the City of South San Francisco owns and maintains an extensive system of streets, sidewalks and other infrastructure in the public right of way. To preserve the life expectancy of roads, pavements and street surfaces, and to reduce the likelihood of congestion and public safety concerns, it is in the City's interest to provide incentives to avoid repeated excavations and to encourage collaborative projects in the public right-of-way to reduce the long-term impacts of construction on City sidewalks and streets.

DISCUSSION

Construction project applicants are required to obtain an encroachment permit pursuant to SSFMC Chapter 13.04 to perform construction and excavation work in the public street and right-of-ways. The proposed amendment to Chapter 13.04 would specifically include telecommunications or utility infrastructure installation or improvement projects in the categories of construction projects that require an encroachment permit prior to commencing work in the public way.

The proposed open trench "dig once" ordinance aims to encourage such project applicants, if their projects meet certain criteria, to collaborate with telecommunication service providers and the City to co-locate conduits and other telecommunication infrastructure as a project is being constructed. The proposed Chapter 13.40 "Open Trench Notification and Telecommunication Infrastructure Improvements" is intended to achieve three objectives:

- Allow the City to maximize the availability of broadband service to residents and businesses by encouraging the systematic development of telecommunications infrastructure by private companies and public agencies, including the City;
- Ensure that the City's internal information technology network is capable of supporting the growing demand for City services now and in the future, in a cost effective manner; and
- Extend the life of City streets and other civil infrastructure, and minimize duplicative traffic, access and safety impacts associated with multiple excavation projects in the same location.

The Open Trench Notification process is as follows:

- Applicants who apply for encroachment permits pursuant to Chapter 13.04.010 will be required to comply with the open trench notification process if the project either:
 - (a) proposes to construct utility infrastructure, road construction or resurfacing, that could reasonably include or prepare for broadband conduit installation, or
 - (b) plans to trench more than 900 feet or three city blocks within the right-of-way, or involves terrain that is difficult or expensive to traverse (e.g. a bridge), or is an element of a larger project that will require installation or upgrading of utility infrastructure.

- The Public Works Department will send out notifications to all utility companies.
- Interested parties have 30 days from the date of an Open Trench Notice issuance to inform the Public Works Department of their intent to participate.
- The City’s IT Department will determine, based on its Strategic Plan, cost, availability of funding, whether to participate in the open trench process and lay city-owned conduits or telecommunication facilities.
- All responses interested in co-locating conduits or telecommunication will be forwarded to the project applicant who is responsible for negotiating collocation with the interested third party or telecommunication service provider.
- The Public Works Department is responsible for reviewing the status of negotiations. If an agreement is reached, the Open Trench Notification process is deemed complete and the project may be approved and an encroachment permit issued for construction to commence.
- If there is a protest resulting from unsuccessful negotiations, the Public Works Department will review the case and determine whether a resolution to the protest can be reached via further negotiations. If the Public Works Department determines that, based on the evidence presented to it, that further negotiation is inappropriate or not warranted, then the Open Trench Notification process will also be deemed complete.

After an Open Trench Notification Process has been completed for a project area, any subsequent excavation work or project by the applicant or any other party in that area will be subject to Enhanced Remediation requirements for five years following completion of abandonment of such subsequent work. Enhanced Remediation may require additional measures up to and including complete curb to curb surface restoration within the excavation area. These requirements will be established by the Public Works Department. The typical cost of trenching and installing conduit in Bay Area streets is approximately \$80 to \$100 per linear foot. In comparison, the incremental cost of adding conduit to an existing project is approximately \$2 to \$5 per linear foot. Enhanced Remediation requirements coupled with cost savings will encourage collaboration and conduit collocation during construction.

Other cities in the Bay Area including Millbrae, Santa Cruz and San Francisco have adopted similar Open Trench ordinances.

FISCAL IMPACT

There is no fiscal impact at this time.

CONCLUSION

It is recommended that the City Council introduce the proposed Ordinance amending Chapter 13.04 “Excavation and Construction On Public Property Regulated” and adding Chapter 13.40 “Open Trench Notification and Telecommunication Infrastructure Improvements” of the South San Francisco Municipal Code to encourage collaborative conduit and telecommunication facilities installation, provide opportunities to expand the broadband network in the City, and to avoid multiple excavations that would create public safety, congestions and access issues and shorten the life expectancy of City streets and roads.

Attachment: Powerpoint Presentation