CITY OF BEVERLY HILLS
STAFF REPORT

Meeting Date: June 18, 2013

To: Honorable Mayor & City Council

From: Aaron Kunz, Deputy Director of Transportation

Subject: REQUEST BY MAYOR MIRISCH FOR CITY COUNCIL CONSIDERATION OF METRO'S PERMIT REQUESTS TO THE CITY RELATED TO THE WESTSIDE SUBWAY EXTENSION

Attachments: 1. Municipal Code 8-2-1, 8-2-3

INTRODUCTION

Mayor Mirisch has requested City Council discussion of the City's approval process for permits requests by the Los Angeles County Metropolitan Transportation Authority (Metro) related to the Westside Subway Extension.

DISCUSSION

During preparation of the Final Environmental Impact Statement/Report (FEIS/FEIR) for the Westside Subway Extension and preliminary engineering for the planned La Cienega station, Metro obtained permits to conduct exploratory investigations in the public right-of-way. The City also issued a permit to conduct potholing operations to verify the depths and locations of subsurface utilities in the vicinity of the proposed La Cienega Boulevard subway station. This operation took place between October 2012 and April 2013. No new permits have been issued since that time.

The use of the public right-of-way is regulated by Title 8 in the Beverly Hills Municipal Code (BHMC). Specifically, section 8-2-1 of the BHMC requires issuance of permits, generally referred to as street use permits, for any excavation, construction or interference with public property. Prior to issuing the permits, the City requires a traffic control plan and that all existing utilities in the impacted areas have been identified. The City can then restrict the time when activities can occur.

At the August 23, 2012 City Council meeting, the City Council discussed the process of issuing permits to Metro. The staff report included the City Attorney's Office advice that state law provides Metro with the right to use the public right-of-way for exploratory work,

subject to conditions agreed upon by Metro and the City. If Metro and the City fail to agree upon conditions, the disagreement would be resolved by the Superior Court.

Metro is proceeding with plans to construct Segment 1 of the Westside Subway Extension from the existing Wilshire/Western station to the planned Wilshire/La Cienega station. Metro's current schedule is to award a "Design/Build" construction contract in January 2014. Before awarding a contract, Metro must obtain a Full Funding Grant Agreement (FFGA) from the Federal Transit Administration (FTA). The FFGA is the final step in the federal planning process for major transportation capital projects and involves an agreement that establishes the maximum level of federal financial assistance and provides the terms and conditions for federal participation. Metro is currently seeking a FFGA for only Segment 1 of the Westside Subway Extension.

With Metro's current plans, major construction would begin at the La Cienega Station in mid 2015, at the earliest. Metro's intent is to relocate utilities in advance of major construction. City staff has conducted initial plan checks of Metro's utility relocation plans and has had preliminary discussions about traffic control plans during the utility relocations but no permits have been issued.

Metro is preparing a bid package for utility relocations with the goal of starting relocations of City of Beverly Hills water and sewer facilities at the La Cienega station in January 2014. Metro's plan is for Southern California Edison (SCE) to submit plans for their utility relocations in August 2013 with the goal of SCE utilities being relocated prior to January 2014. Plans for relocating AT&T utilities and Southern California Gas are anticipated to be received within the next 6-12 months but actual work is not anticipated within the next 6-12 months. Plans to relocate a small stretch of fiber optic conduits are anticipated to be submitted in the next 6-12 months as well.

The typical method for Metro to coordinate construction within a jurisdiction is to develop a Master Cooperative Agreement (MCA) that outlines the terms of issuing permits and coordinating construction activities. Through a MCA, Metro pays the local jurisdiction for staff time coordinating the permit process and other work done in relation to the construction process. Without a MCA, the City charges Metro for the cost of permits and time for conducting plan checks.

FISCAL IMPACT

None at this time.

RECOMMENDATION

Pending City Council discussion, staff seeks direction regarding permit issuance for utility relocations for Metro's planned La Cienega station.

For Mahdi Aluzri
Approved By

Attachment 1

BEVERLY HILLS MUNICIPAL CODE

Title 8
PARKS, STREETS, AND OTHER PUBLIC PROPERTY

Chapter 2
EXCAVATION, CONSTRUCTION, AND OBSTRUCTION IN STREETS, ALLEYS, AND OTHER PUBLIC PROPERTY

8-2-1: PERMIT REQUIRED FOR EXCAVATION, CONSTRUCTION, OR INTERFERENCE WITH PUBLIC PROPERTY:

No person shall perform or engage in any excavation, construction, alteration, repair, or any other similar type of interference or obstruction in, on, or under any public street, alley, sidewalk, parkway, or any other public property, including, but not limited to, the installation, repair, maintenance, or removal of any pipe, conduit, duct or other utility or device, the alteration of grade, the installation of driveway approaches, repair or reconstruction of street, sidewalks, curbs or gutters, or any other type of physical interference with, or any obstruction of street or other public property, including, but not limited to, the standing or parking of trucks or equipment used in construction type activity, without a permit issued under the provisions of this chapter. (1962 Code §§ 7-1.03, 7-3.02)

8-2-3: TYPES OF PERMITS:

Permits may be issued for the following types of activities under the provisions and conditions designated in this chapter:

A. Class A permits shall be required for the following types of activities:

1. Use of the public property in conjunction with construction type activity occurring on the abutting private premises, including the standing or parking of trucks or equipment; loading and unloading materials, and other related types of construction activity which impose a minor and temporary burden on public property.

2. Maintenance of construction barricades, canopies or protective walkways, provided further, no portion of any construction barricade, canopy, or walkway extends in any roadway, or extends a distance more than one foot (1') into any alley.

3. Repair, construction, or reconstruction of curbs, gutters, sidewalks, driveway approaches, and other types of surface improvements, not exceeding twenty thousand (20,000) square feet in area.

B. Class B permits shall be required for excavation and construction on public property, including, but not limited to, street and alley improvements, storm drains, sanitary sewers, and any excavation or construction of any kind or nature which is not authorized by a class A permit.

C. Class C permits shall be required in lieu of class A or class B permits, for all franchised public utilities to engage in any type of excavation, or physical disturbances or intrusion into public property for the purpose of constructing, repairing or maintaining franchised utilities.

D. Class D permits designating street routing shall be required for any truck in excess of six thousand (6,000) pounds, or in excess of eight feet six inches (8'6") in width, which is engaged in hauling debris, excavated or fill material, or equipment from any site in which a grading or demolition permit has been issued under provisions of the building code; or for the hauling of materials or equipment in conjunction with any class A, class B, or class C permit issued under this section. (1988 Code)