



## TOWN OF LOS GATOS PPW ADMINISTRATIVE POLICY FOR PRIVATE UTILITY CARRIERS IN THE PUBLIC RIGHT-OF-WAY

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### **General**

Private utility carriers or private companies requesting to install private utility facilities in the public right-of-way are required to obtain approval and permits from the Town of Los Gatos (Town). Typically these utilities are fiber optic lines owned by a fiber optic carrier, but located in the public right-of-way, serving private customers within the Town. The contractor doing this work may use the direction bore method for construction. Boring increases the risk of damage to utilities and due to this the Town has a specific permitting process. Other considerations when reviewing permits include minimizing disruption to the public and preserving space in the public right-of-way for future installation of facilities.

### **Five-Year Plan**

Prior to the issuance of any plans, the private utility company shall submit a proposed five (5)-year plan of improvements to be completed by the utility within the Town's limits during that time period unless otherwise approved by the Town Engineer. No additional work beyond that included within the approved 5-year plan will be allowed during the 5-year period. A second 5-year plan will be required for additional work once the approved 5-year plan has expired.

### **Permitting**

Typically there will be three (3) phases of work required for the installation of any private fiber optic proposal with directional boring. One (1) permit will be allowed for this work with all phases occurring sequentially. The first phase consists of potholing to investigate and verify all utility crossings elevations and locations (service laterals included). The second phase is comprised of the conduit installation. The third phase is the cable pull. Each work phase must be completed in full before the following phases can commence. Cable-pulling will only be allowed after all required restoration work is signed-off by the Parks and Public Works Department (PPW) and the Town have received final versions of the as-built plans.

Before permit issuance, a written cost estimate will be completed by Town staff for each phase, based on the actual engineering review time spent to date, and the anticipated time for engineering review and inspection for all the forthcoming phases of work. A fee deposit is based on this estimate and is collected with the permit. If the scope of work changes significantly, the cost estimate shall be revised to include the actual time spent and a determination will be made if additional fees are merited.

The quality of the plans, including the traffic control plans, has a strong influence on the period of time needed prior to the ultimate issuance of a permit. The design team needs to carefully review the as-built plans and existing field conditions to make the process as efficient as possible. Most projects require site-specific traffic control plans, which are carefully reviewed by Land Development and Traffic Engineering staff prior to approval. The time required to issue the construction permit depends on how quickly the facility owner's design team can prepare construction plans, including proposed profiles, as well as the quality of these plans, combined with the length of time needed for the company or its contractor to obtain bonding.



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Design criteria includes but is not limited to:

- Five (5)-foot horizontal separation is required between utilities.
- Twelve (12)-inch vertical separation is required from Town utilities for the open trench method, and three (3) feet for the directional bore method. If utilizing the directional bore method, the Town can allow reduced vertical separation only in the event where the following conditions are met:
  - The bore head shall be exposed at the specific crossing.
  - A Parks and Public Works inspector must be present to observe the crossing.
  - Post construction, the contractor shall provide a video inspection of adjacent storm drain infrastructure and facilities with a Parks and Public Works inspector present to observe the video inspection.
- Depth of cover is dependent on size of the entire bore package, with a minimum cover of four (4)-feet.
- Utility lines shall be installed as close to the edge of the right-of-way line as practicable. Where the area behind the curb is fully occupied, the utility lines should be installed in the pavement area as close to the curb as possible in order to help preserve the remaining right-of-way.
- Telecommunication lines are to be installed parallel to the street centerline, where practicable, and shall not meander along the street. Street crossings shall be at right angles to the street, perpendicular to the centerline of the street being crossed.

### **Agreement**

In addition, an agreement is required to be entered into by the “owner” of the facilities with the Town for having these private facilities in the public right-of-way. The Town has a pre-approved template for this agreement, and the Town requires the following to be submitted to prepare said agreement: a copy of the Public Utilities Commission (PUC) decision granting company authorization as a regulated carrier; documentation of signature authority; all company signatures notarized; and proof of Town-approved insurance.

### **Joint Build Notification**

In an effort to minimize the amount of pavement cuts and disruption to the public, certain projects will require a formal joint build inquiry. The joint build process includes:

1. The Town approves the conceptual route and then the requesting facility owner completes the joint build inquiry.
2. The facility owner completes an approved joint build letter mailing to all PUC-regulated telecom companies doing business in the Town and other interested entities as determined by the Town. The joint build letter includes a schematic map of the proposed route, encourages joining the build, and warns of the potential for a five (5) year new-build moratorium along the route. Responses from all contacted companies will be provided to the Town prior to permitting.



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3. Contractor will place an additional 3" conduit for future Town use during the installation process to minimize future pavement cuts. The Town will reimburse the facility owner for the material cost of the conduit.