

REVISED LEGISLATIVE DIGEST
(Amended in Committee – February 26, 2024)

[Public Works Code - Excavation by Microtrenching for Fiber]

Ordinance amending the Public Works Code to allow the use of microtrenching to install fiber-optic facilities; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Article 2.4 of the Public Works Code regulates excavating in the public right-of-way under the jurisdiction of the Department of Public Works (“Department”). In addition to the requirements set forth in Article 2.4, the Department has the authority to adopt orders, regulations, standard plans, and specifications in order to preserve and maintain the public health, safety, welfare, and convenience.

California Government Code Section 65964.5 requires local governments to allow microtrenching in the public right-of-way for the installation of underground fiber-optic facilities, subject to certain conditions.

Amendments to Current Law

This ordinance would amend Section 2.4.4 of the Public Works Code to codify the definitions and standards in Government Code Section 65964.5. The ordinance would also amend Sections 2.4.2 and 2.4.3 of the Public Works Code to:

- codify the Department’s authority to issue permits for excavation by microtrench to install fiber-optic facilities, subject to the adoption of standard plans and specifications;
- provide that the Department shall not require any increase in the requested width or depth of any microtrench unless it specifically finds that the increase would be necessary to preserve and maintain the public health, safety, welfare, and convenience;
- provide that the Department may not require any restoral or modification to any area outside the microtrench, as long as the microtrenching complies with the orders, regulations, standard plans, specifications, and any other conditions imposed on the permit; and
- authorize the Director to specify in an order the standard plans and specifications that the Department may waive in a permit that allows for the use of microtrenching.

Background Information

This legislative digest reflects amendments made at the Land Use and Transportation Committee on February 26, 2024. Those amendments removed the language regarding restoral requirements. The amendments align the ordinance with the microtrenching standards set forth in Public Works Order No. 208323 (Microtrenching Standard), which was promulgated after this ordinance was first drafted.

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