

Cal. Gov. Code § 65964.5

Section 65964.5 - Microtrenching for the installation of underground fiber

- (a) For purposes of this section, the following definitions apply:
- (1) "Fiber" means fiber optic cables, and related ancillary equipment such as conduit, ancillary cables, hand holes, vaults, and terminals.
 - (2) "Local agency" means a city, county, city and county, charter city, special district, or publicly owned utility.
 - (3) "Microtrench" means a narrow open excavation trench that is less than or equal to 4 inches in width and not less than 12 inches in depth and not more than 26 inches in depth and that is created for the purpose of installing a subsurface pipe or conduit.
 - (4) "Microtrenching" means excavation of a microtrench.
- (b)
- (1) The local agency with jurisdiction to approve excavations shall allow microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber, unless the local agency makes a written finding that allowing microtrenching for a fiber installation would have a specific, adverse impact on the public health or safety.
 - (2) Upon mutual agreement, a microtrench may be placed shallower than 12 inches in depth.
 - (3) To the extent necessary, a local agency with jurisdiction to approve excavations shall adopt or amend existing policies, ordinances, codes, or construction rules to allow for microtrenching pursuant to this subdivision.
 - (4) Nothing in this section shall supersede, nullify, or otherwise alter the requirements to comply with safety standards, including, but not limited to, the following:
 - (A) Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1.
 - (B) Public Utilities Commission General Order No. 128, or a successor standard.
- (c) A local agency may impose a fee on an application for a permit to install fiber consistent with Section 50030. The reasonable costs of providing the service for which the fee is charged, as that phrase is used in Section 50030, shall be limited to the reasonable costs of the local agency to process and issue the permit and inspect the installation that is the subject of the permit, including any costs incurred if the applicant elects to expedite processing and review.
- (d) The Legislature finds and declares that installation of fiber is critical to the deployment of broadband services and other utility services, is a matter of statewide concern, and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

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Added by Stats 2021 ch 677 (SB 378),s 3, eff. 1/1/2022.
