

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 12.12 TO ALLOW MICROTRENCHING FOR THE INSTALLATION OF TELECOMMUNICATIONS FIBER AND DIRECTING THE DEPARTMENT OF TRANSPORTATION, WITHIN 90 DAYS OF PASSAGE OF THIS ORDINANCE, TO AMEND DEPARTMENT RULES AND ORDERS TO CONFORM WITH THE ORDINANCE.

WHEREAS, the City of Oakland (City) recognizes the importance of providing high-speed internet access to residents and businesses; and

WHEREAS, internet service is delivered to customers through the deployment of broadband infrastructure, including telecommunications fiber; and

WHEREAS, California Senate Bill 378, passed in October 2021, mandates that local jurisdictions must allow microtrenching for the installation of telecommunications fiber; and

WHEREAS, microtrenching is defined as excavation of a narrow trench, not more than 4 inches in width and between 12 and 16 inches in depth; and

WHEREAS, the Oakland Department of Transportation is the agency responsible for permitting utility excavations in the public right of way, including the installation of telecommunications infrastructure; and

WHEREAS, the Oakland Department of Transportation is responsible for adopting and maintaining Excavation Rules consistent with the provisions of the Oakland Municipal Code; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. Purpose and Intent. It is the purpose and intent of this Ordinance to allow microtrenching for the installation of telecommunications fiber.

SECTION 3. Amendments to Chapter 12.12 of the Oakland Municipal Code

Oakland Municipal Code Chapter 12.12 is hereby amended to read as follows (additions are shown as double underline and deletions are shown as ~~strikethrough~~). Provisions of Chapter 12.12 not included herein or not shown in underline or strikethrough type are unchanged.

12.12.003 Definitions

“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.

“Microtrenching” means excavation of a microtrench.

12.12.005 Department rules and orders

In addition to the requirements set forth in this chapter, the Department may adopt, maintain, and enforce such rules and orders as it deems necessary in order to preserve and maintain the public health, safety, welfare, and convenience. Department rules and orders will include separate details and specifications allowing and governing microtrenching projects. Each excavation in the public right-of-way pursuant to this chapter shall be performed in accordance with the City of Oakland standard details for construction, standard plans for Public Works Construction, and current specifications for Public Works construction, and any rules and orders, except where the Director, in his or her discretion, grants prior written approval to deviate from such standard plans and specifications, orders, or regulations.

12.12.112 Excavation Restoration Requirements

6. As an alternate to sections 1 through 4 above, trench restoration may consist of the structural pavement section for the roadway's level of service as determined by the City. If the required pavement section was less than the physical match-existing pavement required by the standard details, City may accept permittee's proposal to apply the additional effort for match-existing to be utilized for a two to four inch mill-and-overlay of the entire traffic lane.
7. Minimum standards for restoration of microtrench excavations will be defined in Department rules and orders.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER
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