



## Legislation Text

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**File #:** 09-0675, **Version:** 1

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Recommendation to find that excavations are immediately required for the general health, safety, and welfare of the City and cannot be delayed; that alternatives to excavating, such as alternative routing, or construction methods, such as boring or excavation of the parkway, are not possible; approve a discretionary permit to excavate areas in certain City streets, which have been reconstructed within the previous

60 months, all in accordance with Section 14.08.060 of the Long Beach Municipal Code. (Districts 8,9)

Kinder Morgan Liquids Terminals, LLC, (KM) has filed for an excavation permit to perform a Close Interval Survey (CIS) for one of their pipelines located in the streets of Long Beach. A CIS is a procedure that KM uses to monitor corrosion in a pipeline. This is done by drilling a 3/4-inch hole through the street pavement every 20 feet over the buried pipeline, and then inserting a probe to read and record the pipeline's electrical potential.

Afterwards the holes are patched with a crack filler.

KM wants to drill the holes in the following three sections of streets that are under an excavation moratorium: South Street, between Linden Avenue and Lime Avenue; South Street at Locust Avenue; and Cherry Avenue, between Harding Street and the north City boundary. The two sections of South Street were reconstructed in 2007 and are under a moratorium until February 2012. One section of Cherry Avenue was reconstructed in 2008 and is under a moratorium until October 2013. See the attached vicinity map.

Long Beach Municipal Code Section 14.08.060, Public Works permit-issuance requires that a permit for an excavation in a City street that has undergone reconstruction within the previous 60 months and is not for an emergency repair or for a new utility service connection, be deemed discretionary and subject to the approval of the City Council.

Section 14.08.060 further states that the City Council may authorize a discretionary permit if:

- > The applicant can demonstrate that the permit for excavation is immediately required for the general health, safety, and welfare of the City and cannot be delayed until after the street's moratorium has expired.
- > The applicant can demonstrate that alternatives to excavating, such as alternative routing; or construction methods, such as boring or excavation of the parkway, are not possible.

KM was recently issued a Consent Order Agreement by the US Department of Transportation (Pipeline Hazardous material Safety Administration) to have these lines inspected. This requirement was not in affect at the time the streets were paved and therefore could not have been anticipated by either the City or KM. Waiting for the current moratoriums to expire before performing the required

inspection work would put KM in violation of the Consent Order Agreement. Staff has therefore concluded that the proposed excavations of South Street and Cherry Avenue are necessary for the general health, safety, and welfare of the City and cannot be delayed until after the moratoriums have expired. Since the inspection holes are only 1/2 inch in diameter, the required work will not result in degradation of the new pavement surface and it will be restored to the satisfaction of the City Engineer.

Alternatives to excavating in the streets, such as slant drilling in the parkway toward the pipelines, have been considered and rejected because adjacent pipelines are blocking direct access. It has been found that to ensure accurate readings, the holes must be drilled directly over the pipeline in order to avoid reading other pipelines in the streets. Since the inspection holes are only 3/4 inch in diameter, the pavement damage will not be significant and will not result in degradation of the new pavement surface.

The Department of Public Works has reviewed the application and found the proposed CIS to be compatible with existing installations and not an obstacle to any street use or any known proposed developments. Traffic control requirements stipulated by the Traffic and Transportation Engineering Division will be made a part of the special conditions for the excavation permit. City approved liability insurance for the discretionary permit is on file.

This matter was reviewed by Deputy City Attorney Linda Trang on June 2, 2009, and Budget and Performance Management Bureau Manager David Wodynski on June 2, 2009.

City Council action is requested at this time to allow KM to perform the required pipe inspections in a timely manner.

If the discretionary permit is approved, a permit fee of approximately \$3,702 will be deposited to the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

Michael P. Conway  
Director of Public Works

NAME  
TITLE

APPROVED:

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PATRICK H. WEST  
CITY MANAGER