

Section 5.6

UTILITY WORK

5.6.1 Purpose

To provide a uniform standard for monitoring, documenting and managing the installation and/or adjustment of utilities within the Department's construction projects. Utilities are all active, deactivated, or out-of-service electric power lines, telephone lines, telegraph lines, other communication services lines, pole lines, ditches, sewers, water mains, heat mains, gas mains, pipelines, wireless facilities, gasoline tanks, pumps, and drainage pipes or structures that do not discharge storm water onto the FDOT R/W or into an FDOT storm water system which are owned by the Utility Agency/Owner (UAO). The term utility does not apply to property of the Department, or any drainage pipes or structures that discharge storm water onto the FDOT R/W or into an FDOT storm water system. Utilities are sometimes owned by utility agencies regulated by the Public Service Commission, but a utility can also be owned by a citizen, business, or government not regulated by the Public Service Commission.

5.6.2 Authority

Sections [20.23\(3\)\(a\)](#), [334.048\(3\)](#), and [337.401](#) through [337.404](#) Florida Statutes (F.S.)

5.6.3 References

References to sections within this manual start with "**CPAM Section**". References to other documents are highlighted in bold italic text. When any section is referenced, it is intended that all subsections and all other references contained within the referenced section and subsections are also included.

5.6.4 General

This procedure is designed to optimize the Department's ability to control utility work and/or recover losses from the UAOs.

(A) Resident Level Responsibilities

The Project Administrator is responsible for monitoring and documenting Contractor and UAO activities.

(B) District Level Responsibilities

Utilities occupy the Department's right of way in several ways and the Department's ability to exercise its authority over any UAO owning a utility in the Department's right of way can be a complicated and time-consuming process. Consequently, when utility work needs to be performed during a construction project, the District Utilities Office is required to execute utility agreements to ensure the UAO's work is scheduled, or the UAO's work is included in the construction contract for the Contractor to complete.

Pursuant to **Section 337.403 F.S.** the Department may be obligated to reimburse the UAO for all or part of its utility work. This determination is made by the District Utilities Office with consultation with the Office of General Counsel. In reimbursable cases, an estimate, fund approval, and reimbursement agreement are also needed. Once all agreements are executed, the District Utilities Office certifies all necessary utility agreements have been executed to ensure the construction project can be constructed in accordance with the construction plans as they existed at the time of execution. This certification is done prior to advertisement and the documents executed for these purposes are the **Utility Work Schedule (Form 710-010-05)**, **Utility Work by Highway Contractor Agreements (Forms 710-010-21 and 22)**, **Utility Master Agreement (Form 710-010-20)** with appropriate task work orders, and construction project specific utility agreements.

Utility Work Schedules (Form 710-010-05) are issued by the District Utilities Office for certification and are legal orders to the UAO. The UAO is obligated to operate in accordance with the **Utility Work Schedule (Form 710-010-05)**, **Utility Permit (Form 710-010-85)**, and other utility agreements as executed.

5.6.4.1 Utilities on Design-Build Projects

The Design-Build firm's Utility Coordinator is responsible for coordination with the UAOs where the construction operations impacts utilities. The Design-Build firm's Utility Coordinator also coordinates the execution of all necessary utility relocation agreements and schedules for needed utility work.

The Project Administrator monitors utility work on Design-Build projects to ensure utility agreements are executed and Department approved utility permits are obtained. The Project Administrator maintains regular communication with the Design-Build firm's Utility Coordinator throughout the life of the project. If utility conflicts arise during construction that cannot be resolved at the project level between the Design-Build firm and the impacted UAO, the Project Administrator should follow the issue escalation process outlined in the contract and contact the District Utility Office for assistance.

5.6.5 Preconstruction Conference

The Project Administrator will schedule and conduct a preconstruction conference that includes UAOs as described in **CPAM Section 3.1** where the Department, Contractor, and UAOs will discuss scheduling and methods to accomplish the construction project in an expeditious manner. All UAOs within the limits of construction, including UAOs with executed utility work schedules, will be invited.

5.6.6 Utility Work by the UAO

Utility work by the UAO within the limits of a construction project requires both an executed utility work schedule and a **Utility Permit** issued by the Department unless otherwise approved by the General Counsel's Office.

The Project Administrator is responsible for monitoring and documenting the UAO activities. In the **Daily Work Report**, under the remarks category for utilities in SiteManager, document the UAO's work within the construction project limits, and the Contractor's work within areas where there is scheduled utility work. The Project Administrator is to document where the work took place, what work was being accomplished, who was doing the work, any impacts or delays to either party, and if the work was done in accordance with the construction project schedule, utility work schedule, and **Utility Permit**. For utility conflicts and damage, the Project Administrator is to complete the **Utility Conflict and Damage Report (Form 700-010-12)**. When requested by the District Utilities Office, the Project Administrator will verify completion of the utility work for partial and final reimbursement to the UAO.

5.6.7 Utility Work Schedules Executed During Construction

Occasionally during construction, utility work cannot be accomplished in accordance with the executed utility work schedule, and the utility work schedule must be revised; or utility work is unforeseen, and a utility work schedule must be created. To expedite project construction, the Project Administrator may execute the utility work schedule for the District Utilities Office, when all the following conditions exist:

- a) the UAO is not reimbursable,
- b) the UAO has no property rights, and
- c) the UAO is responsive and cooperative.

The District Utilities Office can confirm conditions a) and b) above. If the unforeseen utility work would normally require a permit, the UAO will submit a completed permit application, also known as an "after-the-fact" permit, and as-built plans within five (5) business days after the repairs are completed as required by **UAM Section 2.2**. The Project Administrator will request the UAO to provide the "after-the-fact" **Utility Permit** number obtained by the UAO for inclusion in the **Daily Work Report**.

The Project Administrator is responsible for monitoring and documenting impacts to the Contractor's activities or other UAOs in the **Daily Work Report**. **Daily Work Reports** may be used to verify Contractor delay claims due to the work.

If the above conditions do not exist, the Project Administrator must immediately contact the District Utilities Office to execute a new utility work schedule or other necessary utility agreements, notices, or orders.

5.6.8 Utility Work by Highway Contractor Agreements

The Department and UAO may agree to include the UAO's utility work in the Department construction contract. The work is treated the same as any other work in the contract with the exception that the UAO is performing the inspection, testing, and monitoring of the Contractor's work in accordance with the executed **Utility Work by Highway Contractor Agreement**. The Project Administrator is responsible for documenting any inspection concerns the UAO has in the **Daily Work Report**.

The Department will pay the Contractor for the utility work included in the contract using either Phase 52 or Phase 56 funds. See **CPAM Section 8.12** for more information.

5.6.9 Emergency Utility Work by the UAO

During the construction project, emergency utility work may arise for a variety of reasons. Pursuant to **UAM Section 3.1**, the UAO is obligated to respond to emergencies and the Contractor must allow this work to be done; and pursuant to **UAM Section 2.2**, advance permit application approvals or notifications are not required for emergency utility work. If the type of work would normally require a permit, the UAO will submit a completed permit application, also known as an "after-the-fact" permit, and as-built plans within five (5) business days after the repairs are completed as required by **UAM Section 2.2**. The Project Administrator will request the UAO to provide the "after-the-fact" **Utility Permit** number obtained by the UAO for inclusion in the **Daily Work Report**.

The Project Administrator is responsible for monitoring and documenting the UAO's emergency activities to determine impacts to the Contractor's activities or other UAOs in the **Daily Work Report**. **Daily Work Reports** may be used to verify Contractor delay claims due to the emergency work.

5.6.10 Utility Work on Existing Facilities by the UAO

The UAO may perform work on their existing permitted facilities in compliance with **UAM Section 2.3**. Since the UAO is operating under their previous permit, they do not need to obtain a new **Utility Permit** for these activities, but a utility work schedule is required. If

the work will not interfere with the construction project, the Project Administrator may execute a utility work schedule as described in **CPAM Section 5.6.7**. If a utility work schedule is not executed, the UAO must perform the work after the construction project is completed.

5.6.11 Utility Permit Applications without Utility Work Schedules

Pursuant to **UAM Section 2.1(10)**, the UAO cannot work in the construction project limits without a utility work schedule. Consequently, the UAO is responsible for submitting a utility work schedule with their **Utility Permit** application in compliance with **UPM Section 5.13.2**. The Project Administrator will determine if the proposed utility work can be accommodated during the construction project. If the proposed utility work can be accommodated, the Project Administrator will sign the utility work schedule for the District Utilities Office and forward the signed utility work schedule back to the LPO. The EOR's approval is not required on the utility work schedule for the proposed utility work. If the utility work cannot be accommodated, the Project Administrator will notify the LPO that the proposed utility work cannot be accommodated during construction.

5.6.12 UAOs without Approved Utility Permits

If the Project Administrator discovers a UAO working within the construction project without an approved **Utility Permit** and Utility work schedule, and is not working on existing facilities as allowed by **UAM Section 2.3**, the Project Administrator will direct the UAO to stop work until they obtain a **Utility Permit** and utility work schedule from the Local Permitting Office (LPO).

5.6.13 UAO Non-Compliance with Utility Work Schedules

If the UAO does not comply with the utility work schedule, the Project Administrator must immediately notify the UAO of its non-compliance. This notification may be verbal, but must be immediately followed by written notification from the Resident Engineer, copying the Contractor and Project Administrator. The notification of non-compliance letter should include the following:

- a) The utility work schedule, **Utility Permit**, or other agreements that control the UAO's activities,
- b) The contractor's activities that are or may be impacted,
- c) The corrective actions needed.
- d) A time frame for the corrective action.
- e) A statement that the UAO may be liable for any added costs to the Department.

The Project Administrator must record the date the UAO received the verbal and written notification and monitor and document impacts to the Contractor's activities or other

UAOs in the **Daily Work Reports**. This documentation will be used to seek recovery of construction delay costs and/or other related costs.

After the notice of non-compliance is given, the Project Administrator must determine if the utility work can be performed by the contractor. If the utility work can be performed by the contractor, the Project Administrator will request the District Utilities Office to issue a notice to the UAO stating the contractor will perform the utility work pursuant to **337.404 F.S.** If the utility work cannot be performed by the contractor, the Project Administrator will consult with the District Construction Engineer, General Counsel's Office, and the District Utilities Office about pursuing legal action to expedite the project.

5.6.14 Contributions-in-Aid-of-Construction

The contractor is responsible for establishing power service assemblies for signals, lighting, ITS, and other roadway applications. The cost for obtaining utility service drops to these assemblies are paid through contract pay items. When the contractor requests utility service where the UAO extends its utility lines or otherwise upgrades its utilities, the UAO may request a Contribution-in-Aid-of-Construction (CIAC) to be paid by the highway contractor. The CIAC costs are paid with the non-bid item for these costs.

If the CIAC was not anticipated, but the UAO is entitled to these costs, the CIAC costs will be paid to the contractor by Work Order or Supplemental Agreement. Do not use utility master agreements or relocation agreements to pay CIAC costs.

Since the Contractor is required to coordinate this work, a utility work schedule is not required. Service drops or other service connections are utility appurtenances to the existing utility line and do not need a **Utility Permit**. However, if the UAO extends its utility lines within the R/W, a **Utility Permit** is required. The Project Administrator will verify that the UAO has obtained a **Utility Permit** or direct the UAO to obtain a **Utility Permit** from the Local Permitting Office.