

# Construction Academy

PATRICK OVERTON, P.E. – STATE UTILITY ENGINEER

## Course Description:

Effectively monitoring, documenting, and managing the installation and relocation of Utility Work on construction projects can protect the Department from damages and costs due to delays, claims, and litigation. It can provide accountability and improve Utility Agency Owner (UAO) performance. All resulting in cost savings to the Department.

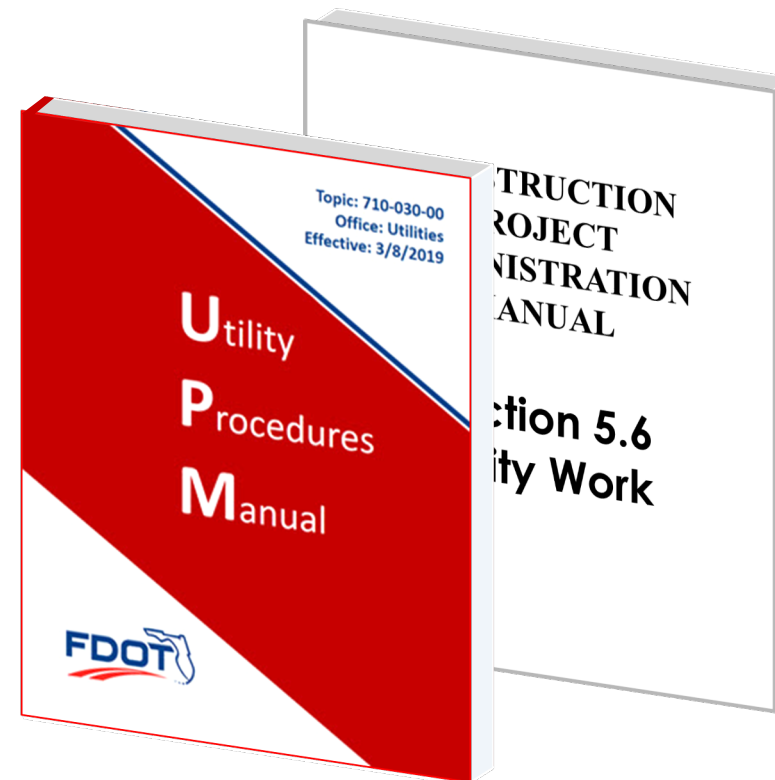
1. Important insight into working with our utility partners will be shared with students.
2. Students will be given the tools to correctly verify utility work, progress, and conflicts on construction projects in accordance with the legal requirements and FDOT procedures.
3. This course will identify key responsibilities of those overseeing utility installation and relocation work on construction projects and how noncompliance with the FDOT CPAM, Section 5.6 can impact Construction, Design, and Maintenance.

# Handouts

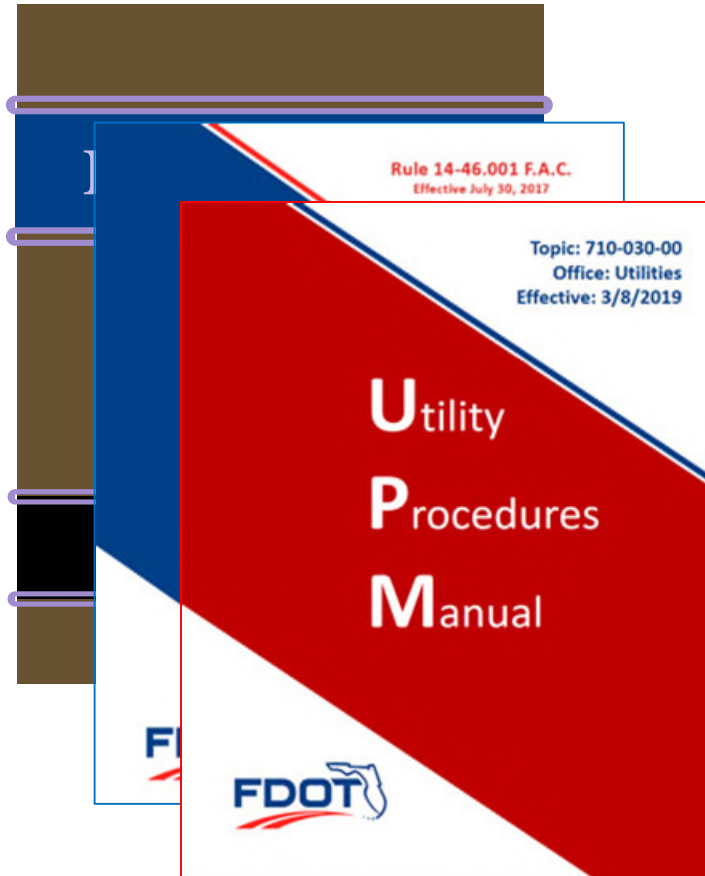
## Florida's Laws and Rules



## FDOT's Procedures



# References



## CPAM 5.6.8 Utility Work by Highway Contractor Agreements

The Department and UAO may agree to include utility work in the Department's construction contract. The work is treated as a separate contract with the exception that the UAO is performing the Contractor's work in accordance with the Agreement. The Project Administrator is responsible for any concerns the UAO has in the Daily Work Report.

The Department will pay the Contractor for utility work either Phase 52 or Phase 56 funds. See CPAM 5.6.8.

### Florida Statutes

**337.401(2)** The authority may grant to any person who is a resident of this state, the authority to incorporate a utility company under the laws of this state, the authority to license to do business in this state, the authority to issue rules with such rules to be promulgated by the authority and the authority shall be installed in the Department of Transportation in the contract with monitoring of the Contractor on

### UAM Section

#### 1.1 Purpose

The purpose of the Utilities Procedures Manual (UPM) is to establish uniform procedures to comply with laws and rules regarding utility installation, accommodation, relocation, and adjustments.

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# What is a Utility?

## Florida Statutes

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### 1.2 Terms and Acronyms

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## UAM Section

## UPM Section

### 5.1 Facilities issued Utility Permits

.... The following facilities are not governed by Rule 14-46 F.A.C.; therefore, the LPO is not to issue Utility Permits for the installation of the following.

- a. Department service lines, such as waterlines, electrical service lines, and sewer lines;
- b. Telephone booths;
- c. Street furniture;
- d. Red-light cameras; and
- e. Any drainage pipes or structures that discharge storm water onto the FDOT R/W or into an FDOT storm water system (requires FDOT drainage connection permit).

# Who is considered a UAO

## Florida Statutes 337.401(2)

The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state,

# Who can be issued a permit and not be a UAO

## UPM Section 5.5 Joint Utility Permits

Often a local government (city or county) UAO does not have contractual control over the builder of the development and the orders or other requirements of the UAO. Each party are defined in the UAO. Contractor as described in the UAO. If a utility builder is the Contractor for UAO. Information will be provided to the utility government. The utility builder will be required to comply with permit information without local government. The utility builder will be required to comply with permit information without local government.

### UAM Section

#### 2.1(4) General UAO responsibilities

...the utility builder and the city or county shall be severally liable such that the utility builder shall be required to comply with all the permit requirements applicable to the construction of the city or county utilities and the city or county shall be required to comply with permit requirements post construction, including, but not limited to those applicable to operation and maintenance.

# Project Level Quality Assurance

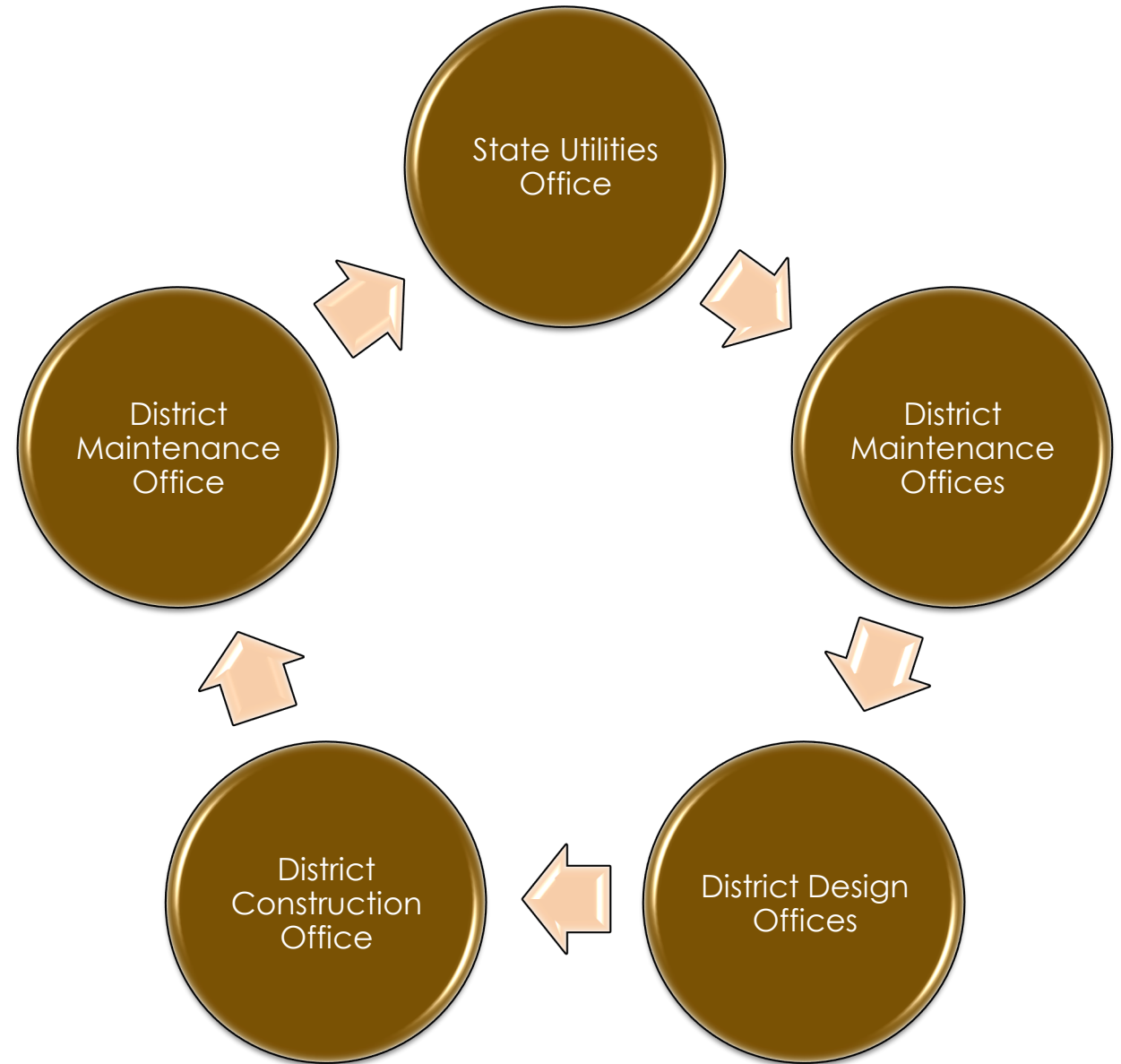




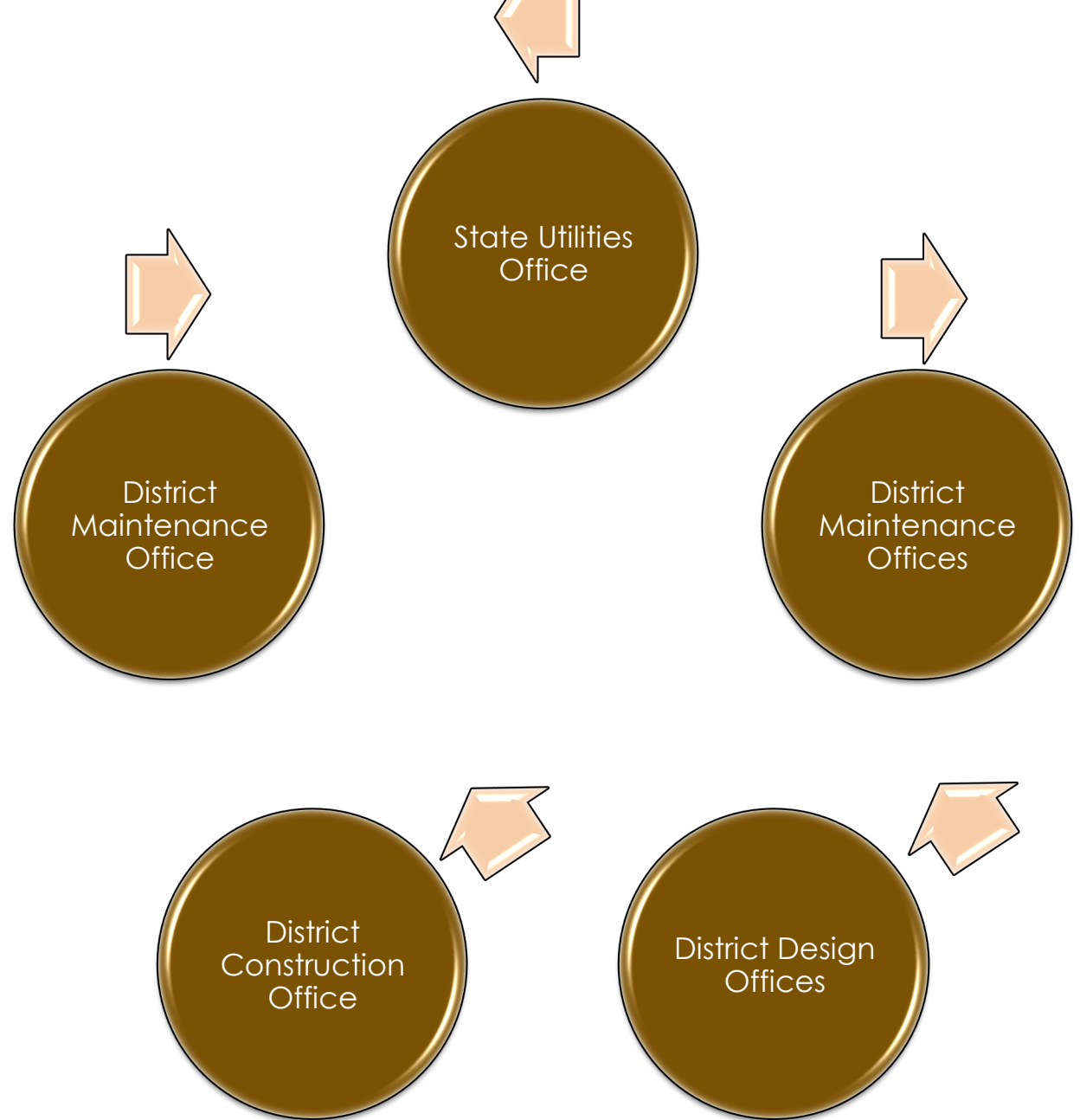


Pitfalls:

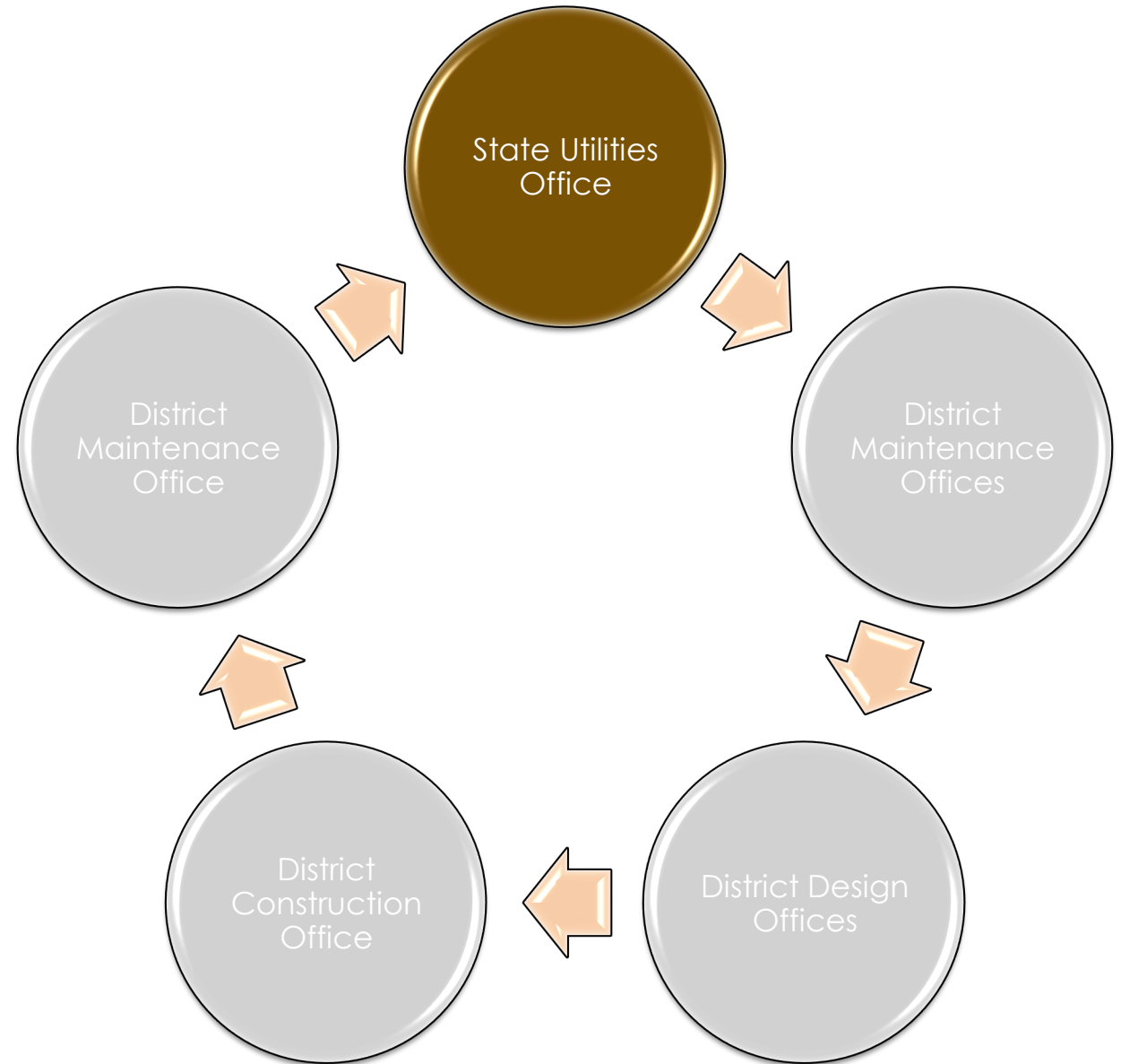
# Utility Life Cycle



# Utility Life Cycle



# Utility Life Cycle



# State Utilities Engineer

## UPM Section

### 2.1 Department Liaison with the Utility Industry

Pursuant to UAM Section 1.10, the State Utility Engineer is the chief liaison on utility accommodation issues between the Department and the utility industry and will:

- a. Develop revisions and additions to the UAM...
- b. Review disputes in accordance with UAM Section 1.7

## UAM Section

### 1.7 UAM Dispute Review

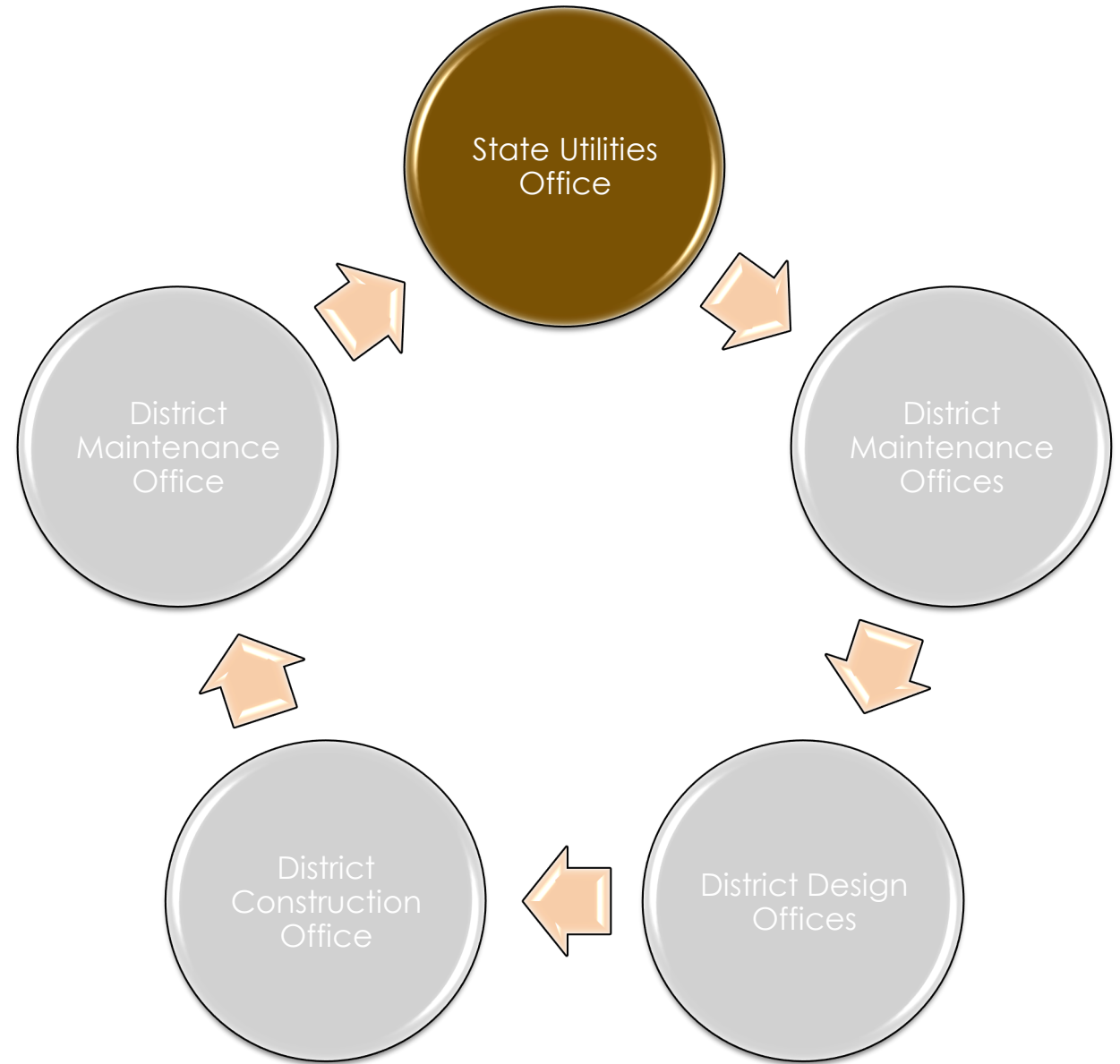
If the UAO desires to resolve a dispute with an FDOT District or the Turnpike Enterprise, the UAO shall request a review by the FDOT State Utilities Engineer.

to the State Utilities Engineer ....



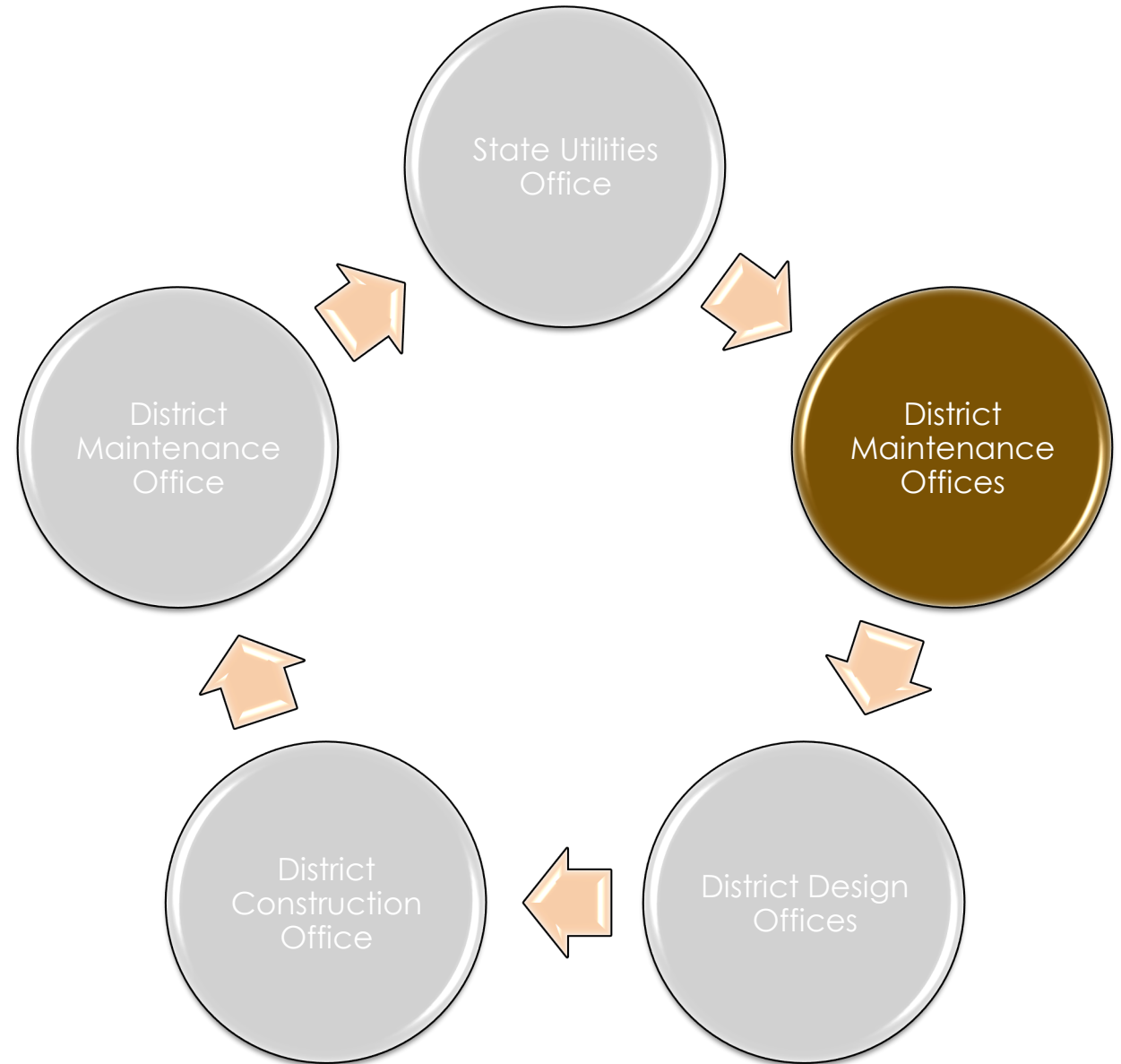
Pitfalls:

# Utility Life Cycle



# Utility Life Cycle

1. Issues Permits
2. Inspects utility installations

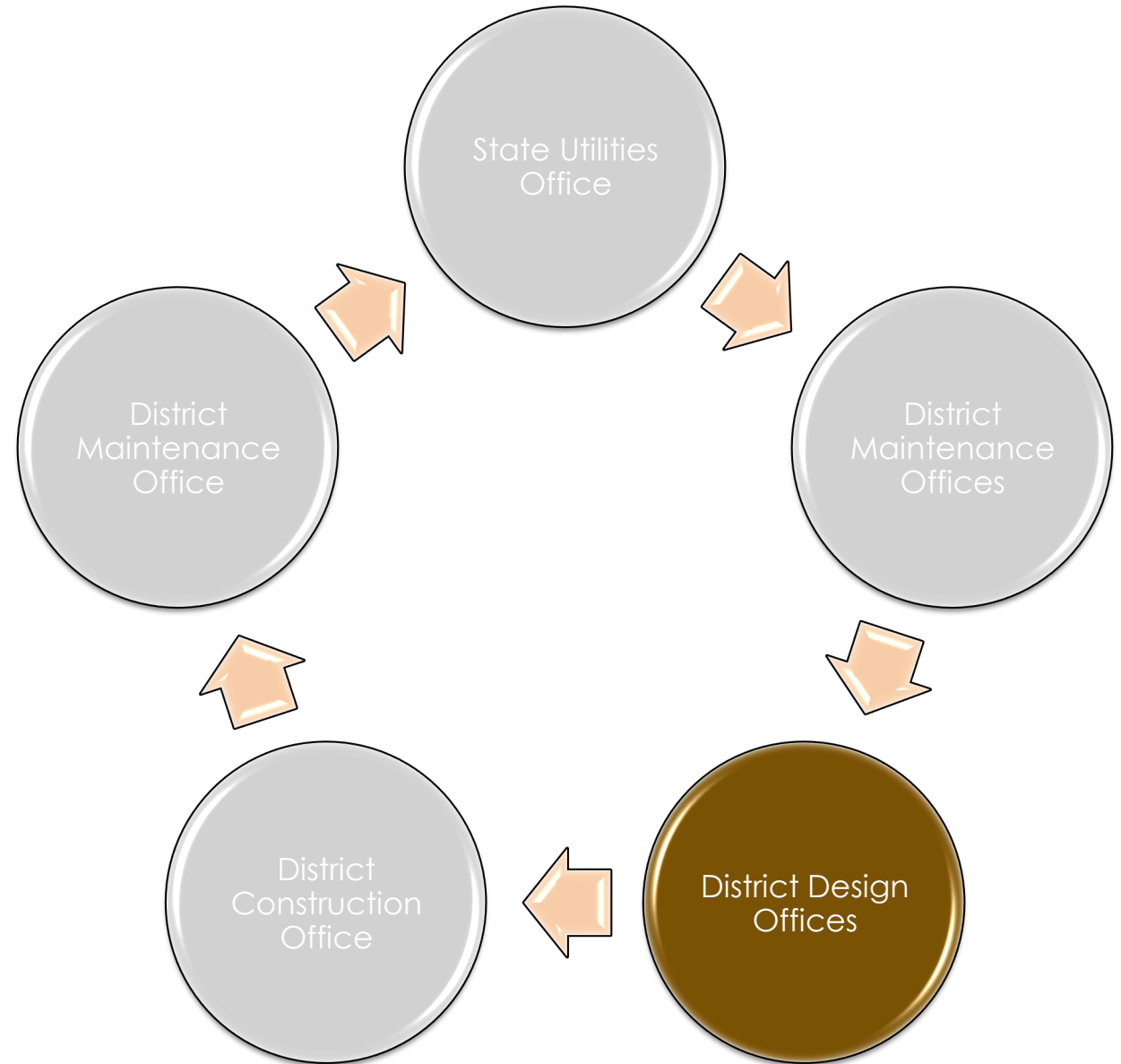




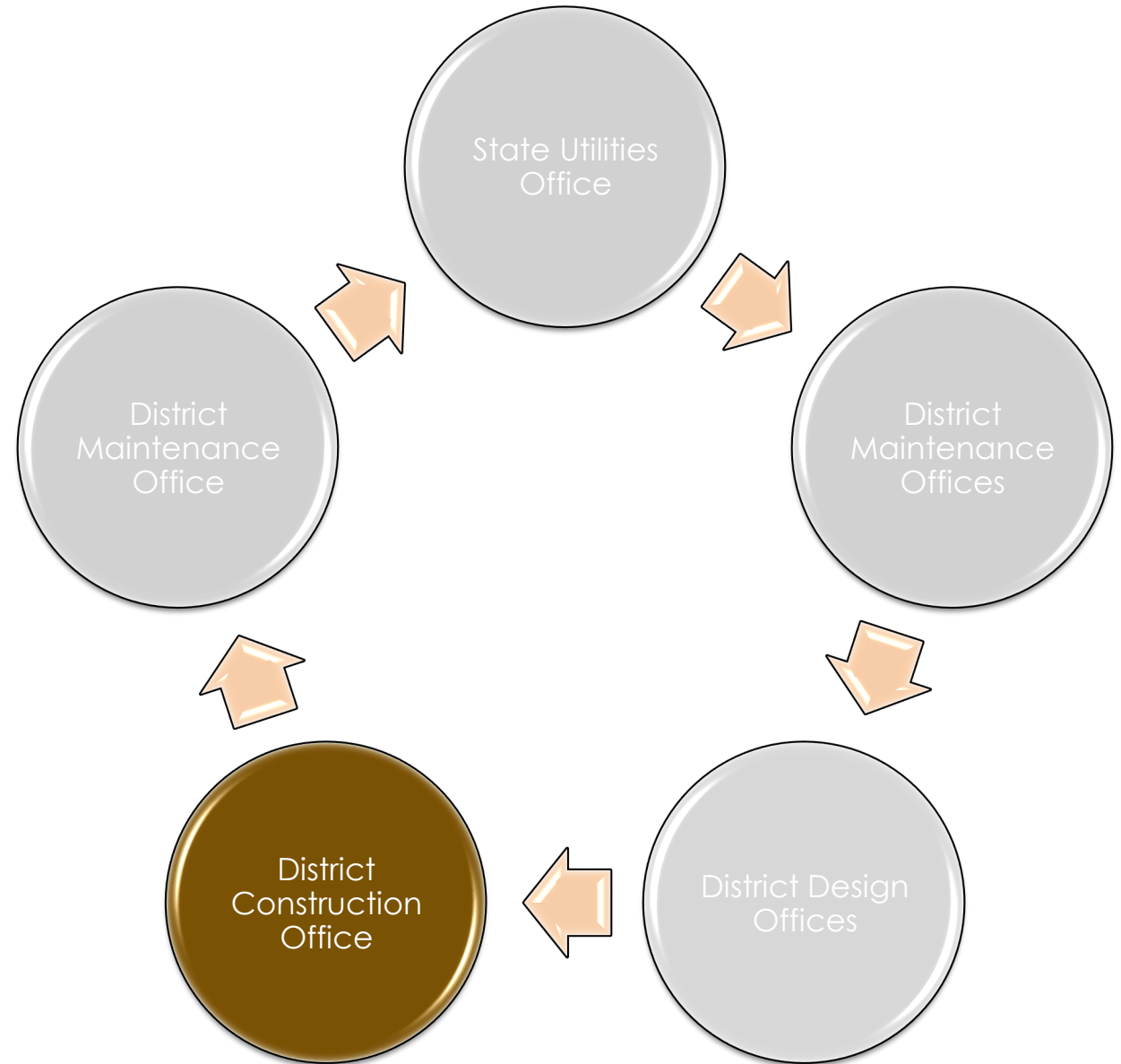
# Utility Life Cycle

What documents must be put in place before the construction project is advertised?

1. UWS
2. R/A
3. Master Agreements
4. Memorandum of Understanding



# Utility Life Cycle



# CPAM 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.

# CPAM 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.

# CPAM 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.

## UAM Section

### 2.2 Permit Applications for Emergency Work

- a) the UAO shall submit a completed permit application and as-built plans within five (5) business days after the repairs are completed; however, a TCP does not need to be submitted.
- b) the UAO shall submit advance permit application approvals or notifications are not required for emergency repairs performed in accordance with UAM Section 3.1. If the type of work would normally require a permit, the UAO shall submit a completed permit application and as-built plans within five (5) business days after the repairs are completed; however, a TCP does not need to be submitted.
- c) the UAO shall submit advance permit application approvals or notifications are not required for emergency repairs performed in accordance with UAM Section 3.1. If the type of work would normally require a permit, the UAO shall submit a completed permit application and as-built plans within five (5) business days after the repairs are completed; however, a TCP does not need to be submitted.

The District 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.

# CPAM 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.

# CPAM 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 the terms and conditions of the permit, the UAO shall submit a completed permit application and as-built plans within five (5) business days after the repairs are completed. Advance permit application approvals or notifications are not required for emergency repairs performed in accordance with UAM Section 3.1. If the type of work would normally require a permit, the UAO shall submit a completed permit application and as-built plans within five (5) business days after the repairs are completed; however, a TCP does not need to be submitted.

## 3.1 Emergency Work

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## 2.2 Permit Applications for Emergency Work

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## UAM Section

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# CPAM 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.



## UAM 2.3 Work Not Requiring New Permits

### 2.3.1 Work Types

The UAO may perform work on the UAO's previously permitted utilities without applying for a new permit for only the work types listed below and when the work constraints in **UAM Section 2.3.2** are followed.

- 1) Placement of mid-span poles, replacement of existing poles, or removal of existing poles...
- 2) Placement of service s long ...
- 3) Placement of underground service lines ...
- 4) Temporary utility work approved by the FDOT Resident/Project Engineer during FDOT construction projects...
- 5) Maintenance, replacement, alterations or additions of aerial components on existing pole lines.
- 6) Maintenance, alterations, but not the replacement, of existing underground utilities.
- 7) Placing and/or removing utilities within existing conduits, provided no additional pull-boxes or other utility appurtenances are installed....
- 8) Installation of technology to solely operate, measure, maintain, and/or monitor the permitted utility...ed no excavation is performed...
- 9) Vegetation control in compliance with **UAM Section 3.18**.
- 10) Potholing for physical exposure of underground utilities .
- 11) Replacement of existing permitted lines...

## UAM 2.3 Work Not Requiring New Permits

### 2.3.2 Work Constraints

To perform the work in **UAM Section 2.3.1**, the UAO shall comply with all of the following conditions; otherwise, a new permit is required:

1. The UAO shall notify the appropriate maintenance engineer of the location, general scope and timeframe of the work...
2. The UAO shall restore FDOT R/W to the condition prior to the work within seventy-two (72) hours...
3. The UAO shall be responsible under the original permit for any added lines or other utility modifications...
4. The UAO shall not cut any roadway pavement.
5. The UAO shall maintain vehicular and pedestrian traffic using the **FDOT Design Standards** indexes...
6. The UAO shall not cut or otherwise damage more than ten (10) linear feet of sidewalk.
7. The UAO shall not commence work that conflicts with any FDOT construction project...
8. The UAO shall not excavate more than eighty (80) cubic feet.
9. The UAO shall not work within FDOT limited access R/W or an FDOT rail corridor.
10. The UAO shall not add third party utilities.
11. The UAO shall comply with **UAM Section 3.14** when installing any pole.

# CPAM 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

## UAM Section

### 2.1 (10) General UAO Responsibilities

When the utility work is within an FDOT project, the UAO shall obtain a utility work schedule prior to the start of work.

## UPM Section

### 5.13.2 Proposed Utility Work Not Required for the Construction Project after Letting

When a **Utility Permit** application is submitted for proposed utility work within a construction project after the project has been let, the LPO will advise the UAO to:

- a. Place the type of work, location, and time duration in Section-C of the **Utility Work Schedule**,
- b. State in Section-B **Utility Work Schedule** that the UAO will work with the contractor to avoid impacting any of the contractor's activities, and
- c. Sign the **Utility Work Schedule**.

# CPAM 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).

# CPAM 5.6.13 UAO Non-Compliance with Utility Work Schedules

The Project Administrator must record the date the UAO received the verbal and written notification.

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## Florida Statutes 337.404

### Removal or relocation of utility facilities; notice and order; court review.

(1) Whenever it becomes necessary for the authority to perform utility work provided in s. 337.403, the owner of the utility or the owner's chief agent shall be given notice that the authority will perform such work and, after the work is completed, shall be given an order requiring the payment of the cost thereof and a reasonable time, which may not be less than 20 or more than 30 days, in which to appear before the authority to contest the reasonableness of the order. Should the owner or the owner's representative not appear, the determination of the cost to the owner shall be final...

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□ (2) A final order of the authority shall constitute a lien on any property of the owner and may be enforced by filing an authenticated copy of the order in the office of the clerk of the circuit court of the county wherein the owner's property is located.

# CPAM 5.6.14

## Contributions-in-Aid-of-Construction

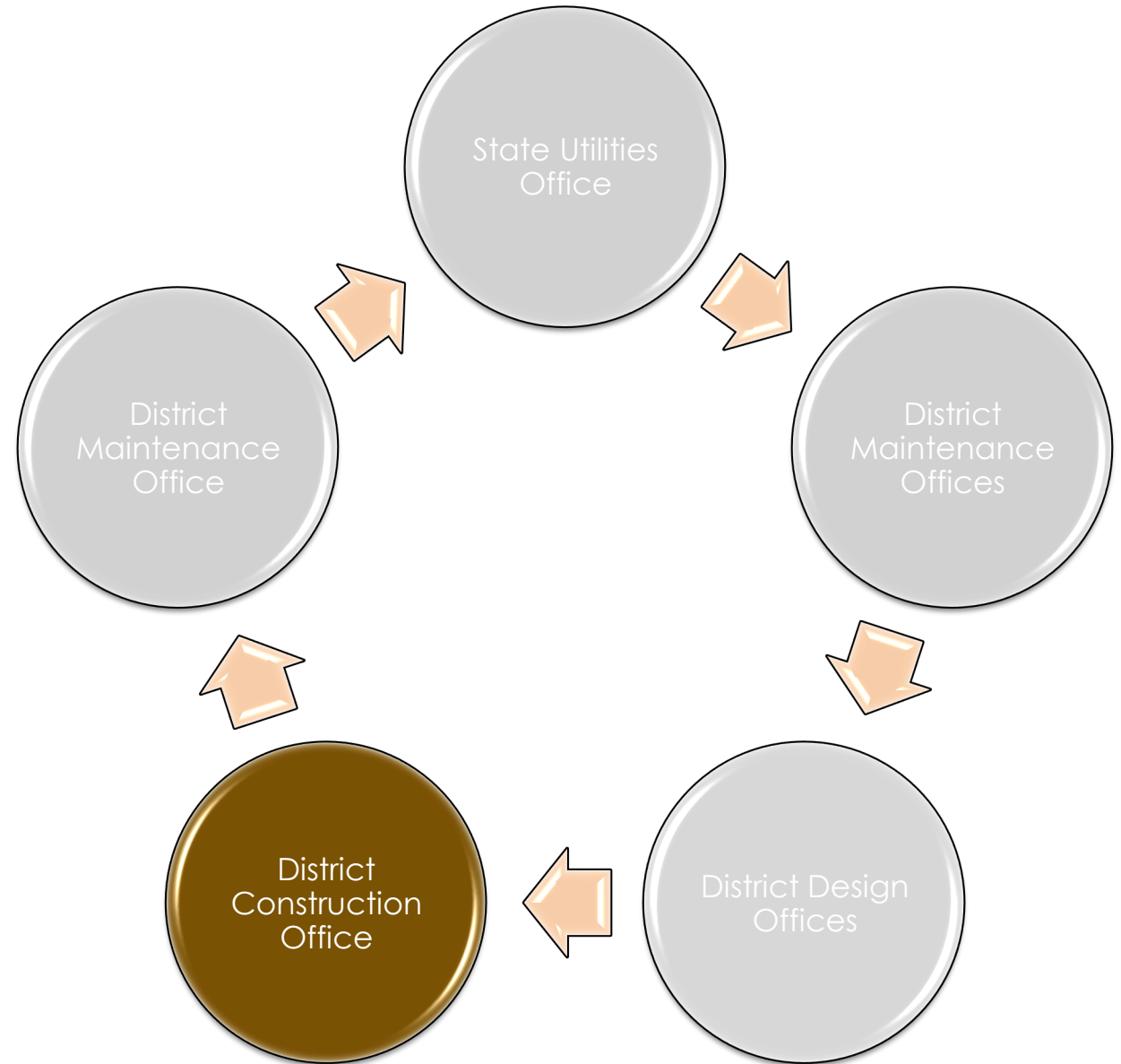
### **5.6.14 Contributions-in-Aid-of-Construction**

...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.

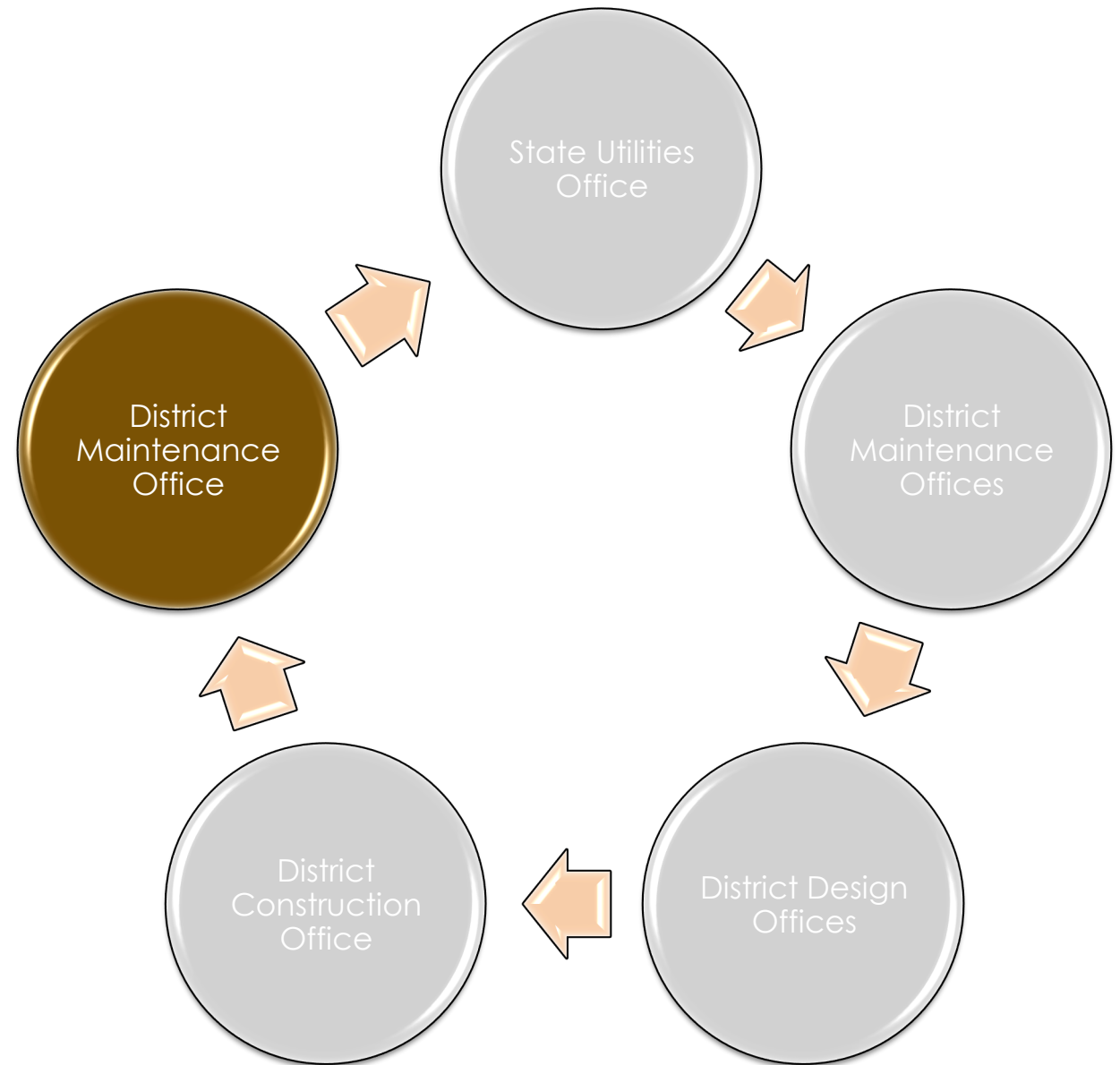
If the CIAC was not anticipated, but the UAO is entitled to these costs, the CIAC costs will be paid to the contractor by Work Order or Supplemental Agreement. Do not use utility master agreements or relocation agreements to pay CIAC costs.

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.

# Utility Life Cycle

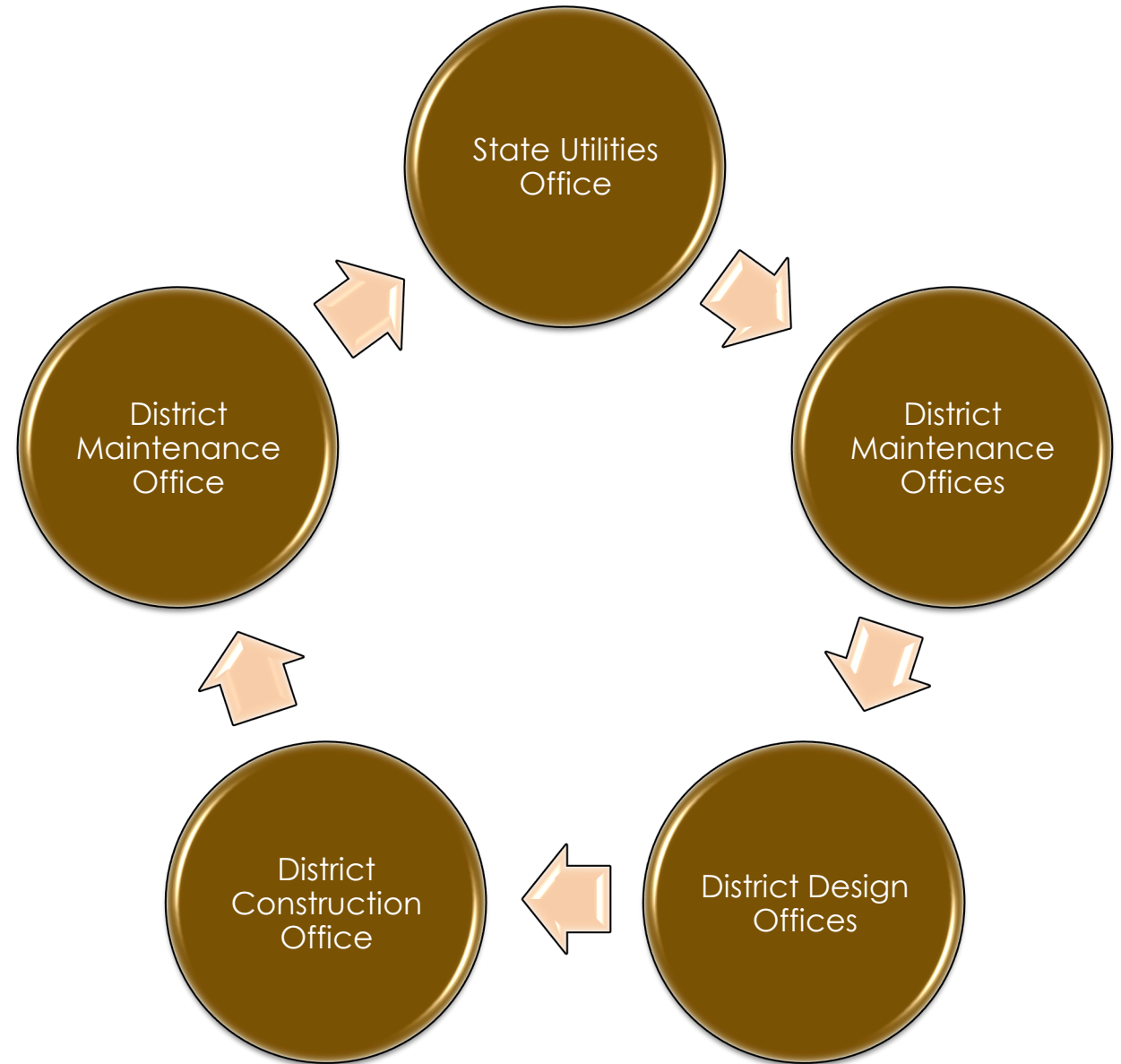


# Utility Life Cycle

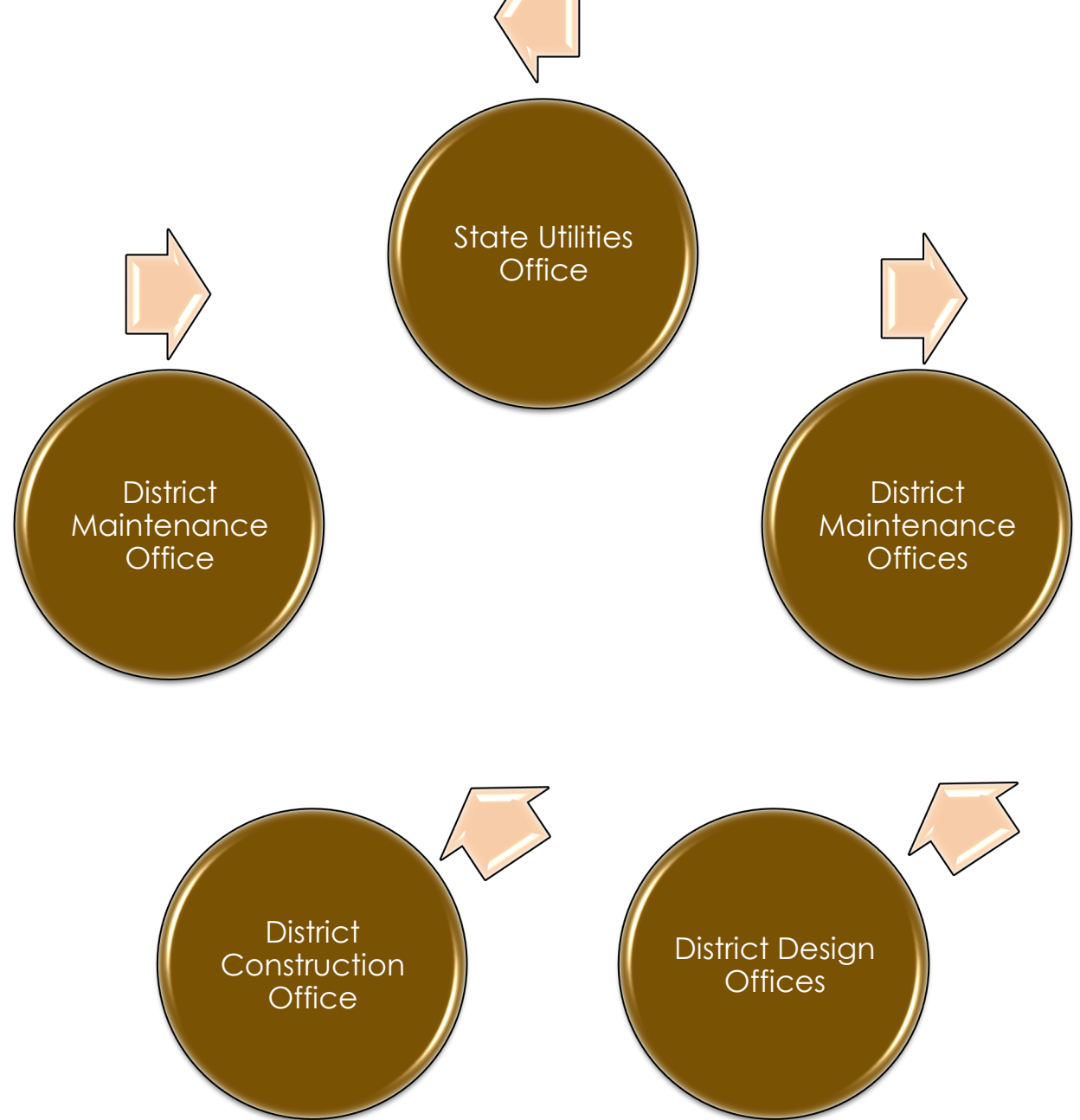




# Utility Life Cycle



# Utility Life Cycle





**Questions,  
Qualms,  
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or, ...Critiques?**