

Chapter 3 UTILITY PERMIT

3.1 Utility Permit

A Utility Permit Application (see Exhibit J) must be submitted by the, UAO per **Section 337.401, F.S.** An engineer or contractor may prepare and process a permit application for a utility owner, but shall not be identified as the Permittee. The permittee shall be responsible for ensuring its engineer or contractor complies with the provisions of the **UAM**.

A permit must be approved or authorized by the **FDOT** before any utility is installed, relocated, or any facility placed out of service (deactivated), that is reactivated on the **FDOT** R/W, whether it is for aerial or underground installations or attachment onto bridge structures, except as noted in the **UAM**. When ownership of an existing utility facility changes, the new owner must provide an affidavit acknowledging transfer of ownership of such facilities and describing the boundaries. The new UAO acknowledges that the utility facility continues to be bound by the conditions of the permit when it was originally permitted.

Permit Form 710-010-85, (Exhibit J) may be obtained by the applicant from the local Maintenance Office, District Maintenance Office, or District Utility Office. Any deviation from the approved permit shall be subject to the approval of the local Maintenance Engineer, or designee, prior to installation. Deviations from **FDOT** design criteria may require an exception.

During an emergency situation, the UAO should protect the public safety by making necessary repairs or adjustments, complying as much as is practical with the requirements of the **UAM**. No advance permit approval is required. However, permits for pavement cuts shall be submitted within five (5) business days after the repairs are completed. This does not limit any permit requirements of other agencies.

If the Permittee's work operations encounter remains of an archaeological or historic nature, all earth disturbing activity shall be temporarily discontinued in the immediate vicinity of the discovery and the Permittee shall notify the approving Maintenance Engineer's Office of the discovery. The approving Maintenance Engineer shall notify the Staff Archaeologist at the **FDOT**, EMO in Tallahassee to determine the disposition thereof. No work will resume until direction is given by the approving Maintenance Engineer.

Submittal of a combination of an approved "**Utility Work Schedule**", **Form No. 710-010-05**, and an authorized signed **FDOT** utility agreement may be deemed equivalent to a permit. The intent is to eliminate unnecessary duplication of processes. Completion of the standard permit process in such cases is not required except that the above two documents shall have attached to them **Permit Form No. 710-010-85** completed through the signature section of the Permittee including the date. This is necessary to obtain a permit number and to generally identify the work area. All other permit related provisions or information is defined in the work schedule or utility agreement. This section does not remove the Utility's obligation to comply with any and all provisions contained within this rule except as modified by the above submitted and approved agreement, nor does it preclude the requirement to

supply whatever engineering justification or documentation is necessary for design approval, including any exception that may be required.

A copy of the approved permit application package must be available at the job site at all times.

3.2 Permit Application

3.2.1 Each copy of the permit application shall contain at a minimum, plans or information showing the following criteria in the bullets listed in Section 3.2.1:

- Schematic plans of the proposed installation (not necessarily to scale) showing the beginning and ending project limits.
- The horizontal offset from a well-defined feature of the Transportation Facility (to be determined by the permit engineer) to the proposed utility installation.
- The R/W limits and limited access line.
- As applicable, pavement/rail width and distance from edge of pavement/rails to utility.
- The roadway/railroad section and milepost numbers, station numbers and bridge number (if applicable).
- Material, function, type and size such as 12" HDPE 500 maximum psi plastic gas or sewer pipe, or metal 2x3 foot conduit for (power with voltage).
- All utility poles or other above ground facilities and other pertinent details. With the exception of utility or single pole appurtenances mounted fifteen (15) feet or higher above the ground, appurtenances larger than eight (8) cubic feet must have their location and size shown on the permit.
- One or more typical cross sections to adequately reflect the underground location of the utility facility.
- All known utilities in the proposed installation area shall be shown. However, if only aerial facilities requiring no additional poles are involved, then only aerial facilities need be shown on the permit drawing.
- If above ground or underground facilities involve only one side of the R/W, then only involved utilities on that side of the R/W need to be shown on the permit drawing.
- In all cases, the Permittee shall list all known R/W users in the installation area on the permit form, and notify each of them by copy of the permit drawing, whether they are known to be impacted or not.

- The minimum vertical clearance above or below the pavement shall be shown.
- The approximate distance and direction to either the nearest town, major road intersection, bridges, or railroad crossings.
- Other significant physical features such as vegetation, wetlands, or bodies of water shall be indicated on the plans. The District Landscape Manager may be contacted for assistance to determine any potential impact to **FDOT** vegetation.
- A simple key map showing the location of this proposed facility should be included.
- When the proposed utility work requires MOT, the permit application package must include a TCP. See Chapter 8 for specific criteria.
- In order to document existing conditions of the work area prior to any utility work, a minimum of one and maximum of six pictures, based on the complexity of the project, must be submitted with the application as a remedy for claims or final approval concerns. The number of pictures can be minimized (or the requirement waived) by the Permit Engineer.

3.2.2 For attachment to structures, the application shall include all applicable construction plans and specifications for the accommodation of the utility.

3.2.3 Any person may submit a permit application on behalf of another person or corporation. Only the owner may be listed as the permittee. Any person submitting a permit application on behalf of another must have the legal authority to do so and be a duly appointed representative.

3.2.3.1 When the Permittee is not a corporation, and is submitting a permit application for itself, the owner's signature must be on the permit application. All signatures must be original. The names and titles of all persons signing the permit application must be typed or printed legibly to the left of their signatures.

3.2.3.2 When a permittee is not a corporation and appoints a representative to submit a permit application on their behalf, the representative shall attach to the permit application a notarized statement that the representative has the authority to do so. The representative shall sign the "Submitted for" space on the permit application. All signatures must be original. The names and titles of all persons signing the permit application must be typed or printed legibly to the left of their signatures.

3.2.43.3 When the Permittee is a corporation, the signature of either the owner or an approved representative, whose name or position/title is on file with the **FDOT** for that corporation, must appear on the permit application. All signatures must be original. The names and titles of all persons signing the permit application must be typed or printed legibly to the left of their signatures.

3.3 Processing

- 3.3.1 The applicant will submit two (2) originals and two (2) copies of permit application packages to the **FDOT** local Maintenance Office in the area in which the work is to be performed.
- 3.3.2 The local Maintenance Engineer or designee is authorized to approve permit applications, except as specified elsewhere in the **UAM**. Those applications that local Maintenance Engineers are not authorized to approve, will be forwarded to the District Maintenance Engineer for action.

Exceptions to the Limited Access Policy must be approved by the **State Highway Chief** Engineer or designee. Upon approval, executed permits will be distributed to the applicant, permits inspector, the local Maintenance Engineer or designee, and the District Permit Engineer's Office file.

- 3.3.3 Each permit shall be processed in an expeditious manner, in order to minimize any unnecessary delays for the applicant. The local Maintenance Office will notify the applicant if processing is anticipated to exceed thirty (30) days, when installations fall within areas in which no work is scheduled per the Five Year Work Program. In all cases, the permit will be processed in accordance with **Section 120.60, F.S.**, and requirements found within the **UAM**. Permits will be approved and issued if all requirements of the **UAM** are met.
- 3.3.4 For installations in **FDOT** R/W affected by the **FDOT** Five Year Work Program or safety improvement projects (excluding permits on projects not in the production cycle which are covered in Section 3.3.4), the local Maintenance Office will submit the permit application to the District Maintenance Office or designee.

The District Maintenance Office will be responsible for the coordination and tracking of the permit application. Coordination by Maintenance includes the District Utilities Office, Environmental Office (Landscape Manager, Scenic Enhancement, Contamination Impact Coordinator), and the Structures Office as appropriate.

The District Maintenance Office will send the permit application to the District Utility Office for its recommendation. The District Utility Office will consult with all applicable District Offices before making a recommendation back to the District Maintenance Office. The District Maintenance Office will approve or deny the permit within thirty (30) days based on the District Utility Office's recommendation and return it to the local Maintenance Engineer or designee for distribution and entering into the permit database. The District Maintenance Office will notify the applicant if additional information is needed.

The **FDOT** Maintenance Office will be responsible for coordinating permit requests with the **FDOT** Construction Office for projects that are scheduled within the Five Year Work Program.

- 3.3.5 For projects that are in the plans production cycle, all permits are to be submitted to the local Maintenance Office. The local Maintenance Office will obtain a permit number and will send

the permit package to the District Maintenance Office. The District Maintenance Office will approve or deny the application, based on coordination and review by the District Utility Office and the local Maintenance Engineer or designee. The local Maintenance Office will return the application package to the applicant or will notify the applicant if additional information is needed.

- 3.3.6 All permit applications involving scenic enhancement areas are to be reviewed and approved by the District Maintenance Engineer or designee upon consultation with the District Scenic Enhancement Coordinator.
- 3.3.7 All permit applications involving attachment onto bridge structures shall be reviewed and recommended for approval or denial by the State Materials Engineer and the District Structures and Facilities Engineer prior to approval by the District Maintenance Engineer or designee.
- 3.3.8 Where a permit involves the attachment to a structure of a utility facility carrying hazardous material (flammable, toxic, or corrosive), the application will be referred to the District Maintenance Engineer and the District Structures Engineer for review and comment prior to approval by the local Maintenance Engineer or Designee.
- 3.3.9 The applicant shall notify, in writing, all known involved utility agencies using the R/W at the location of the proposed installation. This notification shall state the applicant's intentions in order to determine any objections caused by the proposed installation. Any objections to the applicant's proposed construction by affected utility agencies must be made in writing and forwarded to both the applicant and to the applicable local Maintenance Engineer within ten (10) days of the applicant's notification letter. Such objections must be specifically defined.
- 3.3.10 All permit applications for R/W subject to easements from the U.S. Forest Service shall be forwarded to the District Maintenance Engineer for coordination with the U.S. Forest Service.
- 3.3.11 Utility permits on railroad corridors and LA R/W require "Exceptions" for longitudinal installations but otherwise will be handled the same way as other utility permits and subject to prior real property rights.

For the South Florida Rail Corridor use criteria in the bullets listed for Section 3.3.11:

- The Standard Permit Application, and the pertinent Standard Railroad Application Package shall become part of the total package. All Permittees must follow the instructions on the Application Package.
- The local Maintenance Engineer or designee will forward four (4) copies of the package to the CSX Railroad for its concurrence and/or approval.
- No permit will be approved by CSX without receipt of the appropriate processing fee. Per agreement with CSX, the sole responsibility of the **FDOT** is to forward the application package and processing fee when supplied by the Permittee. It is CSX's

responsibility to collect the fee from the Permittee if not included in the application package.

- After receipt of the approved four (4) packages from the CSX and the **FDOT** permit approval, the local Maintenance Engineer or designee will distribute the permit as appropriate.

Two (2) copies and one (1) original of both the CSX package and the permit will be submitted to:

Florida Department of Transportation–District Four
Manager, South Florida Rail Corridor
3400 West Commercial Blvd.
Fort Lauderdale, Florida 33309-3421
Phone: 1-800-930-3368

- 3.3.12 The Permittee will notify the approving authority upon completion of the utility construction. The approving authority or designee will complete page 2 of **Permit Form 710-010-85** and file it in the District Permit Engineer's Office, with a copy sent to the Permittee.
- 3.3.13 The **FDOT** requires the UAO to comply with the permitting requirements of other governmental entities where otherwise required by law. One example is the DEP which is the NPDES storm water permitting authority and is responsible for promulgating rules and issuing permits, managing and reviewing permit applications, and performing compliance and enforcement activities. This program requires a permit (separate from any **FDOT** Permit) for storm water discharge into waters of the State that disturbs one (1) acre or more of land. Furthermore the NPDES permitting program is separate from the State's storm water/environmental resource permitting programs found under **Part IV, Chapter 373, F.S., and Chapter 62-25, F.A.C.**, and local storm water/water quality programs, which have their own regulations and permitting requirements.

3.4 Signing & Sealing Utility Plans

The following applies:

- 3.4.1 TCP- When **FDOT** TCP standards must be significantly compromised and a true, alternate TCP is required, it must be prepared, signed, and sealed by a qualified licensed, Florida professional engineer. See Chapter 8.
- 3.4.2 Any installation, which requires a structural modification to an **FDOT** facility, must be signed and sealed. An example of this would be a request to hang a utility facility from an existing bridge.
- 3.4.3 Utility Work by Highway Contractor (UWHC) Documents for UWHC prepared for Utilities by their own engineers (exempt under **Chapter 471, F.S.**) do not require signing and sealing. However, documents prepared by an engineering consultant for a Utility must be signed and

sealed.

3.5 Installations Not Requiring Permits

- 3.5.1 Permits are not required for placing new poles within an existing permitted facility pole line unless noted otherwise in the **UAM**. The fact no permit is required does not eliminate the requirement to comply with RRR criteria. For example, when horizontal clearance criteria are not complied with, an exception must be obtained in accordance with Chapter 13 of the **UAM**. Where timeliness of installation is essential, and an exception is required, the Utility may install the pole at their risk, prior to obtaining an exception. An exception request must be submitted to the **FDOT** within fourteen (14) calendar days of final installation of the pole. Failure to comply or obtain exception approval will subject the Utility to the requirement of immediate removal of the pole, at the Utility's sole cost and expense, including any necessary legal fees of **FDOT** in seeking compliance.
- 3.5.2 A permit is not required for replacement of an individual pole when the diameter or width does not exceed an additional six (6) inches of the original pole.
- 3.5.3 Permits are not required for service drops or span guys emanating from or attached to poles located within the R/W and properly covered by an existing permit, except for rail corridors and LA R/W. It is intended that Rail Corridors and LA R/W shall not be used for utility distribution services.
- 3.5.4 Permits are not required for underground service connections, provided that they do not cross or begin in the pavement and trenching is at a right angle to the pavement. However, notice will be given to the affected local Maintenance Engineer prior to construction in all instances, and the Permittee shall notify all known underground utility agencies of the pending excavation in accordance with **Chapter 556, F.S.**
- 3.5.5 Permits are not required for temporary utility work approved by the **FDOT** Resident/Project Engineer during **FDOT** construction projects.
- 3.5.6 Permits are not required for maintenance on or replacement of existing aerial facilities, or inserting a product into an existing conduit or pipeline permitted by the **UAO**, provided there is no pavement cutting, and any duct work can be done within the permitted time frame.

The Permittee shall give a minimum of forty eight (48) hours advance notice, and identify limits of work to the local **FDOT** Maintenance Engineer. When a permit is required due to pavement cuts or scheduling issues, a new justification is not required. New permit requirement support documentation shall be limited to maintenance of traffic and safety issues, details of what is to be installed in the pipeline or conduit, schedule to accomplish the work, and a copy of any separate agency environmental permit, if required.

3.6 Installations Requiring Permits

- 3.6.1. Permits are required for all underground installations and all overhead lines and crossings,

except where noted in Section 3.5.

- 3.6.2 Permits are required for all additional facilities using criteria listed in the bullets in Section 3.6.2:
- It is necessary to place a pole within the R/W where there is not an existing pole line.
 - It is necessary to place a pole adjacent to a buried cable where the existing permit does not include a pole line.
 - It is necessary to place a pole beyond the limits of an existing approved pole line. For purposes of this provision, the limits of an existing approved pole line shall mean the distance from the edge of the pavement/rails to the approved pole line plus a maximum of 10% of that distance, but still within the R/W and no closer to the edge of the pavement/rails. The outside edge of the through travel lane shall be the point of reference in lieu of the edge of pavement/rails.
 - Where a pole replacement exceeds the criteria of Section 3.5.2. If the horizontal clearance is reduced or the pole has been hit more than two (2) times in any three (3) consecutive years of the last five (5) years, it must be evaluated for relocation.
- 3.6.3 Permits are required for all above ground facilities placed in connection with underground installations when not included in the original permit. Permits are required for marker poles and riser poles, including pole mounted telephone closures for test or splice purposes.
- 3.6.4 Permits are required when installing a transportation facility lighting system, including installation on existing poles where existing poles are there by virtue of a permit.
- 3.6.5 A permit is required if a new pole is to be set within the R/W to accommodate a private or area light. A permit is also required for the installation of a private or area light on an existing pole within the R/W where the light pattern which shall conform to **FDOT** Highway Lighting Standards, is to be directed toward the pavement.
- 3.6.6 Permits are required when existing facilities are to be relocated permanently to another location within the R/W, whether caused by a betterment program for the R/W user, or by **FDOT** construction.
- 3.6.7 Permits are required for improvements or betterment requiring a physical change of existing facilities, except for routine maintenance or minor alterations such as changes in communications cables, transformer capacity, wire size of secondary circuits and primary circuits, or adding additional wires to an existing circuit of a 1 mile segment or less of an existing utility installation. A permit will be required for any alteration or addition to the utility installation (other than routine service drops or span guys), which will cross a transportation facility either overhead or underground. Normally, such alterations or additions will not be basis for requiring relocation of the existing facility.

- 3.6 .8 Permits are required to reline any utility facility.
- 3.6.9 Permits are required if any pavement is to be cut, including driveways or sidewalks on **FDOT** R/W.
- 3.6.10 Permits are required for any pipe reconstruction, replacement, or restoration procedure that has a potential to cause damage such as displacement or heaving.

3.7 Additional Permit Requirements

- 3.7.1 The Permittee shall give a minimum of forty eight (48) hours advance notice to the approving local Maintenance Engineer prior to any construction or excavation, except in emergency situations.

For any excavation, construction, maintenance, or support activities performed by or on the behalf of the **FDOT**, within its R/W, the permittee may be required by the **FDOT** or its agents to perform the following activities with respect to a Permittee's facilities: physically expose or direct the exposure of underground facilities, provide any necessary support to facilities and/or cover, de-energize or alter aerial facilities as deemed necessary for protection and safety.

- 3.7.2 The Permittee should be aware that the utility permit does not authorize the use of overweight vehicles on the State Highway System. Permits for overweight vehicles must be obtained from the Office of Road Use Permits in Tallahassee. Permits for overweight and over dimensional vehicles are covered by **Rule Chapter 14-26, F.A.C.**
- 3.7.3 The Permittee must comply with **Section 335.15, F.S.**, requiring notification of the temporary closing of an **FDOT** roadway. Whenever any road on the State Highway System is repaired, reconstructed, or otherwise altered in a manner which necessitates the closing of one or more traveled lanes of the roadway for a period of time exceeding two (2) hours, the party performing such work shall give notice to the local law enforcement agency, within whose jurisdictions such roadway is located, prior to commencing work on the project. The requirement of prior notification shall be waived only when the closing of one or more lanes is required for emergency conditions. This **UAM** Rule requires additionally, that the local Maintenance Engineer be notified, except in emergencies, a minimum of forty eight (48) hours in advance before closure to allow sufficient time for public service announcements and local agency response.

When utility work requires the use of temporary barriers or traffic channelizing devices that prevents a permitted over dimensional vehicle to travel through the work site on the pavement or shoulder, the Utility or its contractor shall be required to temporarily move such barriers or devices in an expedient manner to facilitate passage. If the Utility or its contractor cannot temporarily or expediently move the barriers or devices due to impracticality or work site constraints, the Utility must notify the local Maintenance Engineer seven (7) days prior to setup to prevent the **FDOT's** issuance of over dimensional vehicle permits through the site.

Failure to provide such seven (7) day notification will result in the Utility's having to relocate the temporary barriers, at the Utility's expense, to permit passage of the oversize vehicle.

- 3.7.4 When construction deviates from the proposed design, as-built plans showing such deviations will be required by the local Maintenance Engineer for all installations. Required as-built plans for facilities whose location is confidential will be maintained at the offices of the Permittee.
- 3.7.5 All new or replaced underground facilities within the R/W shall be made electronically detectable using techniques available in the Industry. Where as-builts are required in accordance with the **UAM** or **FDOT Standard Specifications for Road and Bridge Construction 555, 556, or 557**, an as-built plan of the utility facility location including a depth tabulation (when plots or elevations are not provided) shall be furnished at the time of the certification of completion of the project for which a permit is given.
- 3.7.6 Minimum horizontal offset or vertical clearance dimensions shall be the greater of that required by either the **UAM**, Rule Chapter 14-57, **F.A.C.** for railroads, or where applicable, the clearance criteria for the South Florida Rail Corridor contained in **Policy Statement 000-725-003, South Florida Rail Corridor Clearance Policy**, as follows:

SOUTH FLORIDA RAIL CORRIDOR CLEARANCE POLICY

Grade-separated highway or pedestrian crossings or any other structure over the South Florida Rail Corridor shall be designed and constructed in such a manner that provides for an opening for the passage of tracks or fixed guide ways that is at least twenty four (24) feet three (3) inches high, measured from the top of the highest existing rail or proposed rail for the entire required clear span distance and of sufficient width to clear span the ultimate build-out track configuration reflected in the Track Master Plan at all points along that portion of the corridor that lies between Milepost SX964.9 at West Palm Beach and Milepost 1036.3 at Hialeah and all of Spur Line "B" between Milepost 1036.3 at Hialeah and end-of-line at Miami Intermodal Center at or near 21st Street. This vertical clearance is for new construction, provides for eventual installation of 25 kV catenary, allows for up to 1 foot of track raise, and is based on the American Railway Engineering Association recommended load gauge of twenty one (21) feet.

More particularly, any proposed structure over the South Florida Rail Corridor shall be designed and constructed so as to provide a horizontal clear span of a minimum of one hundred (100) feet but not less than twenty five (25) feet from the center line of the outermost existing or proposed tracks according to the Track Master Plan at all locations in the South Florida Rail Corridor.

- 3.7.7 When the Utility or contractor installs underground structures exceeding eighty (80) cubic feet that will be used as manholes, or service points, the Permittee must attach to the permit a manufacturer's or builder's certification that the structure and all appurtenances to be installed meet or exceed the requirements of H.S. 20 Military load as shown in the Bridge Inspector's Reference Manual and incorporated into the **Florida Administrative Code** by reference in Rule Chapter 14-48.001.

- 3.7.8 All horizontal directional bores (reamer size) larger than six (6) inches must be approved by the State Utility Engineer or designee. However, the District Maintenance or Construction Office engineer may approve larger bores that comply with the conditions listed in the bulleted items in Section 3.7.8. If the Permittee can comply with the conditions contained in the bulleted items listed in Section 3.7.8, review and approval by the State Utility Engineer is not required. The **FDOT** prefers bores to be as shallow as practical but depth can only be determined by obtaining the necessary support information. Compliance with the conditions contained in the bulleted items in Section 3.7.8 are optional for the Utility in lieu of obtaining support soils and water table information, and does not automatically obligate the Utility to install facilities at ten (10) diameters.
- The utility bore depth will equal or exceed ten (10) times the bore size when the utility will be installed under **FDOT** pavement, or
 - When installations are outside of the pavement area, the offset parallel to the pavement must be at least three and one half (3.5) times the bore size, or
 - The soils blow count is at least thirty (30) blows per foot based on standard penetration tests in the area of installation.
 - New bore installations must maintain at least three and one half (3.5) times the bore size clearance from vitrified clay sanitary pipe and any gas lines.
 - The permit must demonstrate the location (vertically and horizontally) and type of all utilities within at least three and one half (3.5) times the bore size in the immediate vicinity of the proposed work of the Permittee.
- 3.7.9 If compliance with the conditions contained in 3.7.8 cannot be achieved, copies of support information listed in the bulleted items in Section 3.7.9 must be supplied to the District Maintenance or Construction Office Engineer if work is within the limits of an **FDOT** construction project, for review and approval by the State Utility Engineer, or designee, before a permit will be issued.
- Soils property, water table depth, and blow count information in the vicinity of the boring activity.
 - The depth of soils information must extend to a depth equal to the lesser of: ten (10) times the bore (reamer diameter); two (2) feet into strata providing a blow count of thirty (30) or more; two (2) feet below the normal water table, but not less than eight (8) feet. For example, if a blow count of thirty (30) is reached at a depth of four (4) feet then the soils data need only proceed to a depth of eight (8) feet. See Exhibit "M" for guidance in approximating the minimum depth under the pavement that HDD should be placed. Factors such as clearance from other utilities, future construction considerations, and equipment setup limitations will also be taken into consideration in setting the final minimum depth.

- As an option to acquiring Geotech Services, the Permittee may use **FDOT** soils data from **FDOT** construction plans when available. It is the Permittee's responsibility to acquire this information, and not the **FDOT** to do the research.
- A copy of the regular required permit documentation.

3.7.10 If during the plans design or construction process it is determined that a domestic water supply line must pass through a storm drain structure, it must be shown on the design or construction plans and submitted to the FDEP Administrator for Drinking Water in Tallahassee for review and comment. Standard Index 307 provides accepted methods for addressing conflicts when and where they cannot be reasonably avoided. To be submitted along with the plans shall be a justification describing inordinate cost and the impracticality of avoidance. If identified, properly justified, and accomplished in accordance with Index 307, approval is granted. Upon request, the Utility must provide support data on the cost of relocation or adjustment to the **FDOT** for submittal to the FDEP.

3.8 Permit Non-compliance

When the Permittee fails to complete all requirements contained within the **UAM** or features of the installation as specified in the permit, and the **FDOT** determines that such noncompliance is unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of the public road or publicly owned rail corridor, the following course of action shall be implemented in accordance with Sections 3.8.1 through 3.8.2.

3.8.1 **For non-FDOT construction permit non-compliance issues:** The approving Maintenance Engineer shall give written notice, by Certified Mail with return receipt, to the utility or its agent advising of the specific deficiencies and/or violations and requesting compliance with the permit provisions within 30 days per F.S. 337.403

For FDOT construction permit non-compliance issues: The District Design or Utility Office shall give written notice, by Certified Mail with return receipt, to the utility or its agent advising of the specific deficiencies and/or violations and requesting compliance with the permit provisions within 30 days per F.S. 337.403(1) except as provided for in paragraphs (a), (b), and (c).

3.8.2 If deficiencies and/or violations have not been corrected within thirty (30) days, a second notification shall be sent by Certified Mail with return receipt. This second notice shall advise the Permittee of the **FDOT's** intent to extend the time allowed to achieve compliance or take action pursuant to F.S. 337.403(3).

The **FDOT** shall document all acts of non-compliance that have occurred with regard to each permit, including failure to respond to notifications of non-compliance. A copy of all permit documentation, written correspondence, memoranda or notes, certified mail receipts, etc., maintained in the District Office shall be forwarded to the Office of the General Counsel and

the Secretary of Transportation in Tallahassee, if an administrative hearing is requested.