

## Chapter 4

# APPLICATION OF CRITERIA, STANDARDS, SPECIFICATIONS, AND POLICY

### 4.1 Application Of Criteria

The State of Florida has adopted criteria from various sources such as AASHTO, ASTM, FHWA, FDEP, and the DEP. Some of these agencies have jurisdiction over the **FDOT** in specific areas and have rule making authority. Any reference to criteria that the **FDOT** is constrained to comply with by rule, must of necessity change as other agencies change their rule. It is the responsibility of the Utility to comply with the most up to date criteria as is required of the **FDOT**. As the **FDOT** is made aware of changes, this information will be communicated through liaison activities identified herein.

### 4.2 Application Of Standards

The **FDOT Standard Indexes** are intended to be used on **FDOT** R/W. In cases where the **FDOT** construction extends on to city, county, or private R/W, the property owner has the option of applying its own standard. The **FDOT** construction plans or permit shall incorporate the standard to be applied.

Users of the **FDOT Standard Indexes, Series 600** for MOT activities should be aware they contain information specific to the federal and state guidelines and standards for the preparation of traffic control plans and for the execution of traffic control in work zones, for construction and maintenance operations and utility work on the State Highway System. Certain requirements in these Indexes are based on the high volume nature of state highways. For highways, roads and streets off the State Highway System, the local agency (city/county) having jurisdiction may adopt requirements based on the minimum requirements provided in the **MUTCD, Part 6**.

### 4.3 Application Of Specifications

The **FDOT Standard Specifications for Road and Bridge Construction** as modified by Appendix A, are intended to convey to a contractor or permittee working on **FDOT** projects or on the **FDOT** R/W, what contractual relationship exists, and define the standard of care, manner of work, and deliverables. They were written assuming a contractual relationship exists with the **FDOT**. When a Utility conducts work on the **FDOT** R/W it is expected that the same provisions of standard of care, manner of work, and deliverables will be applied, except as amended by the **UAM**. Any provisions relative to contractual relationship in the Standard Specifications do not apply. The **UAM** identifies either in the text or exhibits, or referenced standard indexes, what standard specifications apply to the Utility, except when it enters into a contractual relationship. Contractual relationships may exist in the form of a Joint Participation Agreement for work performed by the **FDOT** contractor per **Section 337.403(1)(b), F.S.**, or when a Utility performs advance relocation work itself or contracts

that work out in accordance with **Section 337.403(1)(c), F.S.** In all cases the applicable standards or specification will be controlled by the appropriate agreement.

#### 4. 4      **Application of Criteria, Standards, Specifications When A Utility Damages State Infrastructure**

The **UAM** contains specific references to criteria, standards, and specifications that must be complied with to obtain a permit.

In the Reference Section, at the end of the **UAM**, the specific references are not listed individually. Only the parent document in which the specific references are found is listed in the Reference Section. This shall not be interpreted as incorporating the entire document into the rule. This also serves to inform the UAO what criteria, standard, and specification the **FDOT** uses in work which is not typically accomplished by the UAO in location and installation of infrastructure.

**Section 337.402, F. S.**, states, "When any public road or publicly owned rail corridor is damaged or impaired in any way because of the installation, inspection, or repair of a utility located on such road or publicly owned rail corridor, the owner of the utility shall, at his or her own expense, restore the road or publicly owned rail corridor to its original condition before such damage. If the owner fails to make such restoration, the authority is authorized to do so and charge the cost thereof against the owner under the provisions of **s. 337.404.**"

#### 4. 5      **Application of Policy**

~~4.5.1      **UTILITY ACCOMMODATION WHEN UTILITIES OCCUPY THEIR OWN EASEMENTS OR PROPERTY** – Coordination with Utilities should begin as early as possible in the initial phase of the project. At this stage, the **FDOT** should do an assessment of the utility options available and the estimated cost impact of each alternative option. Utilities are entitled to be made whole for the loss of their existing property rights. The **FDOT** will attempt to provide the utilities the same, but not greater, property rights than those which they originally possessed.~~

~~If the Utility is occupying its own easement or fee property, the **FDOT's** options include:~~

- ~~• designing the project to avoid the Utility property;~~
- ~~• replacing the original Utility property to be taken with comparable property and paying for relocation of the Utility to that property; or~~
- ~~• providing an easement to the Utility over **FDOT** right of way with equal rights to those lost by the Utility on their original property, including exclusive use and reasonable access for maintenance; or~~
- ~~• providing an easement to the Utility over **FDOT** right of way allowing property rights to the greatest extent possible, including exclusive use and maintenance responsibility;~~

~~plus monetary compensation for those rights which are lost and cannot be replaced; or~~

- ~~• providing any other arrangements agreeable to both the utility and the **FDOT** through permits and subordination.~~

~~To the extent possible, resolution of these issues should be resolved through engineering accommodations. Litigation should be the last resort.~~

#### 4.5.2

##### 4.5.1

**EXEMPT PUBLIC DOCUMENTS** - Certain documents may be exempt from public disclosure pursuant to **Section 119.07(3), Florida Statutes**. Anyone requesting a document that meets the conditions referenced in the statute may be required to sign a release form (Exhibit "N").

#### 4.5.3

##### 4.5.2

**LIAISON** – The primary source of **FDOT** communication with the Utility Industry is the Utility Web site at <http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm> . Exhibit L is intended to summarize a process for providing a window of opportunity for the Utility Industry to access information and input on proposed changes by the **FDOT**, that might impact them. It does not detail all processes. It is specifically noted that many, changes, if not most, are the result of changes in National Standards as adopted by Government or Agencies such as the FHWA, AASHTO, DEP, etc. The most effective approach is to become involved in reviewing and inputting on proposed changes by the National Associations and Professional Special Interest Groups. Involvement and attempting to bring about change through the **FDOT** process may be too late. The **FDOT** may be obligated to adopt other agency standards by law without having opportunity to effect further change. In addition, Utilities are encouraged to communicate with other Utilities through local industry groups to assure issues are dealt with on a consensus basis. This will allow the **FDOT** to deal with issues more appropriately and with less impact. The **FDOT** will comply with **Florida Statute 120.54**, Rulemaking.