



UTILITIES IN COUNTY ROW

**Follow up to January
29, 2019 BoCC
Special Meeting**

A photograph of a river flowing through a lush green forest. The water is clear and reflects the surrounding greenery. In the foreground, a canoe is visible, partially obscured by the riverbank. The scene is peaceful and scenic.

*Where Nature and
Culture Meet*

Board Question #1



- **Staff to provide expanded code language that would make landscaping one of the conditions for which the County could request the movement of utilities.**

Response #1-County Attorney



Florida Statutes Chapter 337

- Chapter 337.401 (1) (a)
 - defines local government as the “authority” over public roads
 - defines local government to prescribe reasonable rules or regulations.
- Chapter 337.403 (1)
 - states that if found by the local authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road the utility owner shall, upon 30 days’ written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense.

Response #1-County Attorney



- **Define “landscaping as a roadway enhancement and improvement” in Alachua County Chapter 367 Utility Installation Ordinance**
- **Modify Alachua County Utility Accommodation Guide to include a section for landscaping in the Right of Way**
- **Proposed language will not be retroactive**

Response #1-County Attorney



Define “landscaping as a roadway enhancement and improvement” in Chapter 367, Section 367.02.

Proposed Language:

Enhancement: Any project approved by the Board of County Commissioners within a public right-of-way intended to enhance the usability and function of the right-of-way, including for pedestrian, bicycle, and vehicular traffic. Enhancements include, but are not limited to, the construction of sidewalks and the placement of trees in accordance with a Board of County Commissioners approved Tree Planting Work Plan.

Improvement: The construction of streets and all related appurtenances, bridges, utilities, pedestrian ways, bikeways, or planting of landscaping in connection with an approved development or public works project, whether involving the subdivision of land or not, in connection with a Board of County Commissioners approved Tree Planting Work Plan project within a public right-of-way.

Response #1-County Attorney



Add a new Section 367.03.1 for Trees or other vegetation within rights-of-way; removal or damage in Alachua County Chapter 367.

Proposed Language:

The removal, cutting, marring, defacing, or destruction of any trees or other vegetation, either by direct personal action or by causing any other person to take such action, within the County's public rights-of-way is prohibited unless prior written permission to remove or cut such trees or other vegetation has been granted by the Department, except where normal tree trimming is required to ensure the safe operation of utility facilities and such tree trimming is performed in accordance with the provisions of the County's Utility Accommodations Guide dated _____. The department shall adopt rules for the implementation of this section in its Utility Accommodation Guide to achieve protection of trees and vegetation within the rights-of-way while at the same time assuring safe utility operations.

Response #1-Public Works



Modify Alachua County Utility Accommodation Guide to include a section for landscaping in the Right of Way

Proposed Language:

UTILITY RELOCATION DUE TO ROAD RECONSTRUCTION, ENHANCEMENT, MAINTENANCE, IMPROVEMENT, EXTENSION OR EXPANSION PROJECT:

The Utility shall relocate the utilities at their own expense due to road reconstruction, enhancement, maintenance, improvement, extension or expansion project in County right-of-way as defined in Alachua County Chapter 367 Utility Installation Ordinance and governed by provisions of Chapter 337 Florida Statutes.

TREE REPLACEMENT OF DAMAGED LANDSCAPE VEGETATION:

The Utility shall replace any landscape vegetation removed or irreparably damaged by the Utility at their own expense as approved by County Horticulturist. Landscape vegetation includes all plants that have been placed within the County right-of-way. All tree trimming of existing trees or tree canopy in County maintained R/W shall be done in accordance with ANSI A300 (Part 1) Pruning Standards and ANSI A300 (Part 8) Root Management Standards.

Board Question #2



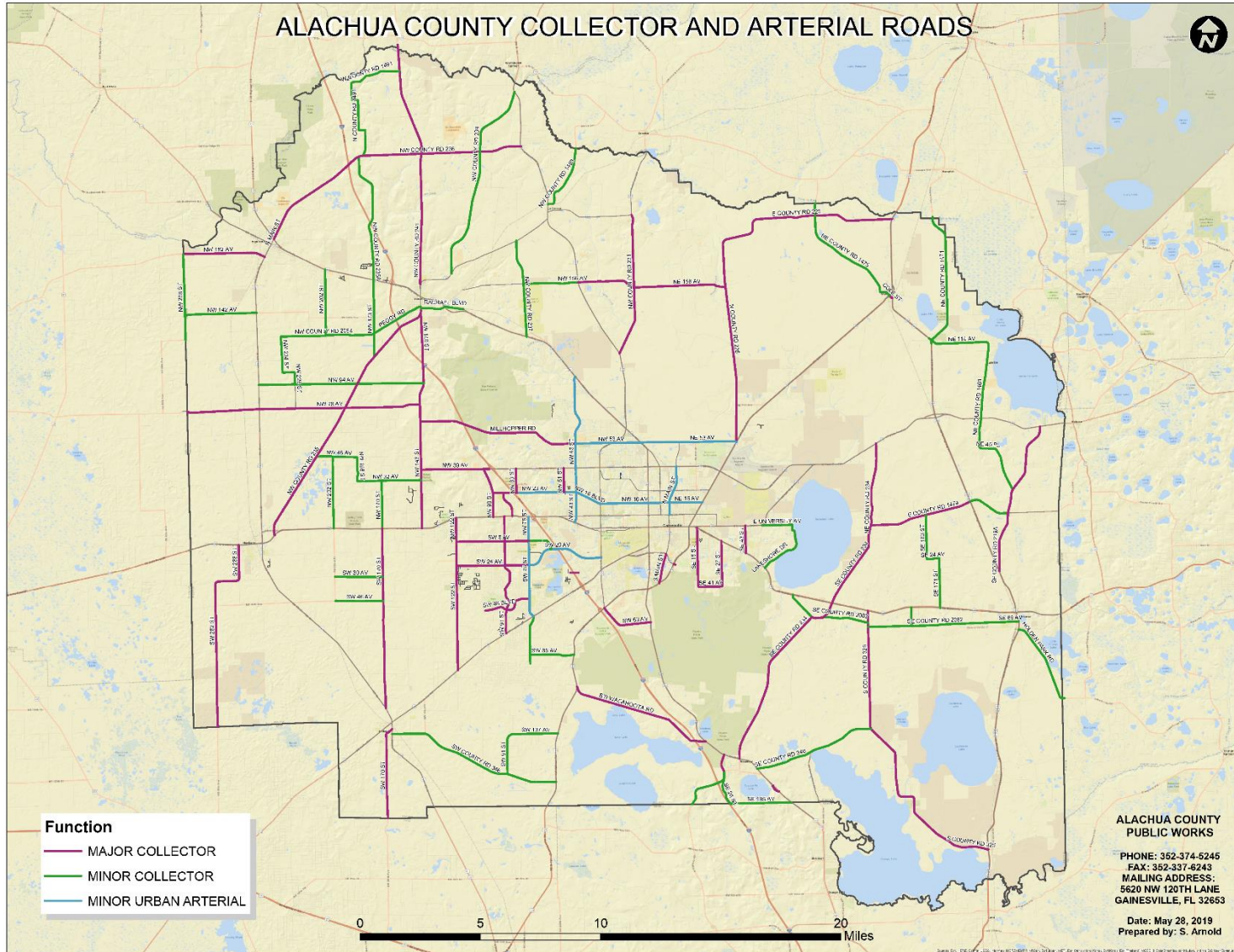
- **Staff to provide a list of County maintained roadways collector size or larger that have the types of permits described. A map format would be the preferred method. Provide an example copy of the permit.**

Response #2-Public Works



- **Map of Alachua County Collector and Arterial Roads.**
- **Example of Alachua County Utility Permit**

Response #2-Public Works



Response #3-Public Works



SEG.# 256
S/D SW 63 Blvd / SW 6 C MW

Permit Fee: \$85.00
GRU File No.: U-AC-B-17

ALACHUA COUNTY
UTILITY PERMIT

COMPLIANCE WITH STATE STATUTE 337.40 THRU 337.408

PERMIT NO. 017-108

Date: February 27, 2017

Permit Approved Yes No ()

Subject: County Road No.: SW 63rd Blvd/SW 62nd Ave - Force Main Relocation

Between Road No. SR24 (Archer Road) and Road No.: SR 121 (Williston Road)
PERMITTEE: GAINESVILLE REGIONAL UTILITIES, c/o REAL ESTATE DEPT, Phone No. 352-3400 ext. 1216

PERMITTEE'S Address: P.O. Box 147117, Sta. A-130, Gainesville, FL 32614-7117
Contact Person: Peter Simms, GRU Wastewater Dept (352) 214-9879

**NOTIFY THE ALACHUA COUNTY CONST. INSPS.,
OFFICE, GAINESVILLE, 352-548-1244
48 HOURS PRIOR TO BEGINNING WORK**

IF CONTRACTOR IS TO DO WORK:

Contractor's Name _____ Phone No. _____
Contractor's Address _____
Contact Person _____ Street # _____ P.O. Box _____ City _____ State _____ Zip Code _____

NOTE: Fill out fully if Contractor is not known; notify County as soon as that information is available.

Requesting permission from the Alachua County Public Works Department, hereinafter called The Department, to construct, operate and maintain: 300 +/- 12" dia. DR-18 PVC force main (by open trench: 36" min. depth) in the westerly ROW of SW 63rd Blvd/SW 62nd Ave beginning at STA 132+80 and ending at STA 135+60, as shown on attached detailed drawing

Note: The existing 12" force main is this location will be removed as shown.

1. Proposed work is within the corporate limits of a municipality Yes () No (X)
Name of municipality: City of Gainesville
A letter of concurrence from municipality is attached. **RIGHT OF WAY USE PERMIT ONLY** Yes () No (X)
2. Applicant declares that prior to filing this application he has ascertained the location of all existing utilities, both aerial and underground.
A letter of notification was mailed on 2/24/2017 to the following utilities:
AT&T, Cox Communications, GRU Gas Department
3. State right-of-way is involved Yes () No (X)
4. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
5. Whenever necessary for construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Public Works Department, and at the expense of the Permittee unless reimbursement is authorized.
6. All work shall meet Department standards and be performed under the supervision of the Public Works Department.
7. All materials and equipment shall be subject to inspection by the Public Works Department.
8. All Department property shall be restored to its original condition as far as practical, in keeping with Department specifications, and in a manner satisfactory to the Department.
9. All installations shall conform to the Department's Utility Accommodation Guide in effect the date permit is approved.
10. The attached sketch covering details of this installation shall be made a part of this permit.
11. The Permittee shall commence actual construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within 120 days. This permit expires at the end of 60 days, if no work has begun.
12. The construction and maintenance of such utility shall not interfere with the property and rights of a prior Permittee.

RECEIVED

FEB 28 2017

Alachua County
Public Works Department

start work 3/13/17

Response #3-Public Works



13. Special Conditions: Re-grade, seed, fertilize and mulch all disturbed areas.
14. Special Instructions "All traffic control will be in accordance with the most recent Roadway and Traffic Design Standards, Section No. 600 issued by the Department of Transportation (FDOT)" All utility installation will be in accordance with the most current issue of the FDOT Utility Accommodation Guide.
15. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the County's right, title and interest in the land to be entered upon and used by the Permittee. The Permittee agrees in consideration of the benefits derived by the granting of this permit and the County's coordination of the Permittee's facilities with other utilities and transportation facilities on this right-of-way, the Permittee will to the extent permitted by, and in accordance with F.S. 768.28, at all times, assume all risk of and indemnify, defend, and save harmless Alachua County, its Department of Public Works employees and agents, from and against any and all loss, damage, cost or expense arising from Permittee's negligent acts or omissions, or the negligent acts or omissions of Permittee's Officers or employees in the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the State and County shall be observed and the Permittee must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area in accordance with the State and Federal traffic safety standards.
- The Permittee further agrees, in consideration of the aforesaid benefits, the Permittee will hold harmless and indemnify, Alachua County, its Public Works Department employees and agents, against all loss and damage to the Permittee's facilities and property, including loss of use, and loss of income, in accordance with the provisions of F.S. 768.28, as amended.
- The Permittee shall be solely responsible for relocation of its facilities in the event of future roadway improvements.
16. The Office of the Public Works Department named in paragraph six shall be notified forty-eight (48) hours in advance before starting work.
17. In the case of non-compliance with the Department's requirements this permit is void and the facility will have to be made to comply with such requirements or be removed from the R/W at no cost to the Department.

Submitted by: GAINESVILLE REGIONAL UTILITIES Place Corporate Seal
Permittee

Tiffany Davis
Signature and Title
Tiffany Davis, Land Rights Coordinator

Attested

Roadway construction is proposed or underway.

Yes () No

Proposed installation is in accordance with Alachua County's Accommodation Guide

Yes No ()

Approved by Brent Shaw
FOR County Engineer

Date

3/6/17

ACPW USE ONLY

DATE WORK STARTED: 3/13/17 COMPLETED: 3/6/18

ACPW ACCEPTANCE (Initial by Inspector) B.S.

DEPTH 8' from Natural Ground METHOD open Trench

LOCATION SEE Attached Drawing RESTORATION

INSPECTED BY:

REMARKS:

Board Question #3



- **Provide the standard language used by the County in such permits.**

Response #3-Public Works



HIGHLIGHTS OF THE UTILITY PERMIT

- It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
- Whenever necessary for construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Public Works Department, and at the expense of the permittee unless reimbursement is authorized.
- The Permittee shall be solely responsible for relocation of its facilities in the event of future roadway improvements.

Board Question #4



- **Staff to provide for Board consideration a more formal process for when and how landscaping by utilities can be approved by the Public Works Director/County Engineer for a utility with a permit.**

Response #4-Public Works



PROPOSED LANGUAGE ADDITION TO THE CURRENT UTILITY PERMIT (*Italics and underlined*)

- Whenever necessary for construction, repair, reconstruction, enhancement, extension, expansion, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Public Works Department, and at the expense of the permittee unless reimbursement is authorized.

Response #4-Public Works



PROPOSED LANGUAGE ADDITION TO THE CURRENT UTILITY PERMIT

a) Is any tree or native vegetation trimming or pruning required? Yes () No ()

All tree trimming of existing trees or tree canopy in County maintained R/W shall be done in accordance with ANSI A300 (Part 1) Pruning Standards and ANSI A300 (Part 8) Root Management Standards.

b) Is regulated native tree removal required of trees 8 inches or larger in diameter (wide as 4.5 feet above grade) Yes () No ()

All regulated trees shall be protected from damage and/or mitigated if damaged or removed, consistent with Article 2 of the Alachua County Land Development Code 406.13.

c) Is regulated native tree removal required of trees 8 inches or larger in diameter (wide as 4.5 feet above grade) on private property outside of County Right of Way consistent with Article 2 of the Alachua County Land Development Code 406.10. Yes () No ()

Tree removal permits for private property are obtained from the Growth Management Department and are attached to this application if required.

Board Question #5



- **Staff to provide language for criteria for landscaping in the development review process for new corridors and allow for some process to follow if the developer and utility do not agree. The proposed language should be a fairly loose approach where the County gets in ahead of the development review process and gives the County some rights with the developer. The code should specify landscaping requirements for corridors, with a provision that allows the County to reopen the process if the utility refuses to put in service.**

Response #5 – Growth Management



- **Street Trees are a required element of nearly all new roadways**
 - Section 407.43.1(b) has requirements for tree selection, spacing and planting areas
 - Section 407.43.3 requires that utilities be designed to provide clearance from the mature height of trees and landscaping
 - Table 407.141.1 identifies which roadway cross-section require street trees
- **All Final Development Plans include a requirement that changes after approval require resubmittal**

Backup Material



- Florida Statutes Chapter 337.401, 337.403

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/Sections/0337.401.html

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0337/Sections/0337.403.html

- Alachua County Utility Installation Ordinance Chapter 367.05

https://library.municode.com/FL/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT36IN_CH367UTINRE

- Alachua County Utility Accommodation Guide
- Map of Collector and Arterial streets
- Example of Utility Permit
- Proposed Utility Right of Way Use Permit
- ANSI A300 (Part 1) Pruning Standards and ANSI A300 (Part 8) Root Management Standards
- Alachua County Land Development Regulation 406.10, 406.13, 407.43.1 (b), 407.43.3, 407.141 (h)-Table 407.141.1

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https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH406NAHIREPR_ARTIITRNASVE_S406.13REREMIRE

https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH407GEDEST_ARTIVLA_S407.43.1RETRPLA

https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH407GEDEST_ARTIVLA_S407.43.3LAUTSEAR

https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH407GEDEST_ARTXIIICMASTNEST_S407.141MIDECOSTSTDRSY