



# Broward County

## Legislation Details (With Text)

**File #:** 22-931      **Version:** 1

**Status:** Agenda Ready

**In control:** Public Works and Environmental Services - Highway Construction and Engineering Division

**On agenda:** 8/25/2022      **Final action:** 8/25/2022

**Title:** A. MOTION TO APPROVE Highway Maintenance Memorandum of Agreement between Broward County and the Florida Department of Transportation for the Florida Department of Transportation's Cypress Creek Road improvement project from Powerline Road to the South Florida Rail Corridor, at an estimated cost of \$1,800 to the County; and authorize Mayor and Clerk to execute same. (Commission District 8)

ACTION: (T-10:19 AM) Approved.

VOTE: 9-0.

B. MOTION TO WAIVE permit requirement for construction in County right-of-way (Chapter 25, Exhibit 25.A of the Broward County Administrative Code) for the Florida Department of Transportation's Cypress Creek Road improvement project from Powerline Road to the South Florida Rail Corridor. (Commission District 8)

ACTION: (T-10:19 AM) Approved.

VOTE: 9-0.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Agreement, 2. Exhibit 2 - Resolution 2018-421

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Trevor M. A. Fisher

**Department:** Public Works      **Division:** Highway Construction & Engineering

### Information

#### Requested Action

A. MOTION TO APPROVE Highway Maintenance Memorandum of Agreement between Broward County and the Florida Department of Transportation for the Florida Department of Transportation's Cypress Creek Road improvement project from Powerline Road to the South Florida Rail Corridor, at an estimated cost of \$1,800 to the County; and authorize Mayor and Clerk to execute same. (Commission District 8)

**ACTION: (T-10:19 AM) Approved.**

**VOTE: 9-0.**

B. MOTION TO WAIVE permit requirement for construction in County right-of-way (Chapter 25, Exhibit 25.A of the Broward County Administrative Code) for the Florida Department of Transportation's Cypress Creek Road improvement project from Powerline Road to the South Florida Rail Corridor. **(Commission District 8)**

***ACTION: (T-10:19 AM) Approved.***

***VOTE: 9-0.***

**Why Action is Necessary**

A. Board of County Commissioners' approval is required to enter into a legal agreement with the Florida Department of Transportation.

B. Board of County Commissioners' approval is required to waive the permit requirement for construction in County right-of-way.

**What Action Accomplishes**

A. Establishes the responsibilities of the County and the Florida Department of Transportation regarding improvements on Cypress Creek Road from Powerline Road to the South Florida Rail Corridor.

B. Allows the Florida Department of Transportation to make improvements to Cypress Creek Road from Powerline Road to the South Florida Rail Corridor without securing a permit from Highway Construction and Engineering Division.

**Is this Action Goal Related**

No

**Previous Action Taken**

None

**Summary Explanation/Background**

PUBLIC WORKS DEPARTMENT/HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION RECOMMENDS APPROVAL.

On September 25, 2018 (Item No. 9), the Board of County Commissioners adopted Resolution No. 2018-421 supporting the West Cypress Creek Road improvement project in partnership with the Broward Metropolitan Planning Organization and the Florida Department of Transportation to enhance bicycle and pedestrian safety along Cypress Creek Road from Powerline Road to the South Florida Rail Corridor in Broward County (Exhibit 2).

Cypress Creek Road from Powerline Road to the South Florida Rail Corridor is an eight-lane County Road within the City of Fort Lauderdale. The project is a collaborative effort among Broward County, the Broward Metropolitan Planning Organization (MPO), the Florida Department of Transportation (FDOT), and the City of Fort Lauderdale. As part of these cooperative efforts, FDOT will manage design and construction administration, MPO will provide grant funding for construction, and Broward County will continue to own and maintain the roads in the County's jurisdiction after construction of

the proposed road improvements.

The Cypress Creek Road project includes installation of 10-foot shared-use paths along both sides of the road for pedestrians and bicyclists, drainage, signing and pavement markings, lighting, landscape and signalization improvements. As part of the predesign effort, FDOT conducted detailed traffic modelling of the project area including Cypress Creek Road, Andrews Avenue, and the I-95 interchange. The analysis concluded that traffic flow on Cypress Creek Road can be improved by repurposing one of its four eastbound-through lanes into a right-turn lane, creating dual right-turn lanes, onto Andrews Avenue. FDOT has recommended the inclusion of this traffic improvement as part of the project. Broward County staff has reviewed the traffic analysis and concurs with the recommendation.

The County's Complete Streets Team has reviewed the proposed project improvements and supports the implementation of this project estimated at \$4.5 million to be funded through MPO for Federal Aid participating items only. The estimated cost to the County is \$1,800 for Federal Aid non-participating items, such as mowing and litter removal. Although there is no specific cap on unknown or unanticipated Federal Aid non-participating costs to be borne by the County, FDOT has performed several other projects of similar type and scope and the County has not been required to pay any cost for any Federal Aid non-participating items.

Motion A seeks Board approval of a Highway Maintenance Memorandum of Agreement for the Cypress Creek Road improvement project (Exhibit 1). This Agreement allows FDOT and its contractors to enter County right-of-way and construct the project. Additionally, the Agreement provides for cooperation between FDOT and County to address utilities and unforeseen conditions. It also requires the contractor to include Broward County as an additional insured party on all insurance policies that are required by FDOT in the contractor's performance of the work. In turn, to the extent permitted by law, the County shall indemnify FDOT for any violations by the County of any permits issued to FDOT or jointly to FDOT and the County for the project after construction is complete.

Motion B seeks Board approval to waive the permit requirement of the Broward County Administrative Code, Chapter 25, Exhibit 25.A for the Cypress Creek Road project. FDOT is requiring Broward County to waive this permit requirement to be consistent with its management of similar projects with other governmental agencies. Staff from the Highway Construction and Engineering Division participated in the plan review process. Furthermore, FDOT's contracting and construction procedures are substantially equal to the County's requirements and provide adequate protection for the public.

The Agreement has been reviewed and approved as to form by the Office of the County Attorney.

**Source of Additional Information**

Richard C. Tornese, P.E., Director, Highway Construction and Engineering Division, (954) 577-4579  
Trevor M. A. Fisher, P.E., MBA, Director, Public Works Department, (954) 357-6410

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The estimated cost to the County is \$1,800 for Federal Aid non-participating items, such as mowing and litter removal.