



# Broward County

## Legislation Text

File #: 20-1787, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Steve Hammond (Acting Director)

**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 SW 40th Avenue project from north of SW 54th Street to SW 53rd Street and from north of SW 49th Court to Griffin Road, at an estimated cost of \$2,567 to the County; and authorize Mayor and Clerk to execute same. **(Commission District 7)**

***ACTION: (T-10:45 AM) Approved.***

***VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.***

B. MOTION TO WAIVE permit requirement for work on a County road (Chapter 25, Exhibit 25.A of the Broward County Administrative Code) for the Florida Department of Transportation's SW 40th Avenue project from north of SW 54th Street to SW 53rd Street and from north of SW 49th Court to Griffin Road. **(Commission District 7)**

***ACTION: (T-10:45 AM) Approved.***

***VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.***

#### 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 SW 40th Avenue from north of SW 54th Street to SW 53rd Street and from north of SW 49th Court to Griffin Road.

B. Allows the Florida Department of Transportation to make improvements to SW 40th Avenue from north of SW 54th Street to SW 53rd Street and from north of SW 49th Court to Griffin Road 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 January 23, 2018 (Item No. 4), the Board of County Commissioners adopted Resolution No. 2018-019 supporting road enhancement projects in partnership with the Broward Metropolitan Planning Organization and the Florida Department of Transportation to enhance bicycle and pedestrian safety along designated roadways in Broward County. Included in the list of supported projects is SW 40th Avenue from Stirling Road to Griffin Road which encompasses the project limits in the proposed agreement.

SW 40th Avenue is a County road from north of SW 54th Street to SW 53rd Street and from north of SW 49th Court to Griffin Road within the Cities of Hollywood and Dania Beach. The project is a collaborative effort among Broward County, the Broward Metropolitan Planning Organization (MPO), the Florida Department of Transportation (FDOT), and the Cities of Hollywood and Dania Beach. As part of this cooperative effort, FDOT will manage the design and construction administration, MPO will administer the federal grant funding for the project, and Broward County will continue to own and maintain the road after construction of the proposed improvements. Project improvements include widening SW 40th Avenue to add a five-foot bike lane and install sidewalks in both directions from north of SW 54th Street to SW 53rd Street and north of SW 49th Court to Griffin Road. The project will also add a northbound dual left-turn lane at the intersection of SW 40th Avenue and Griffin Road to relieve traffic congestion. This project will be implemented with no change to the number of vehicular travel lanes.

The County's Complete Streets Team has reviewed the proposed 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 \$2,567 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 12 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 would approve a Highway Maintenance Memorandum of Agreement for the SW 40th Avenue improvement project. 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 environmental permits issued for the project

after construction is complete.

Motion B would waive the permit requirement of the Broward County Administrative Code, Chapter 25, Exhibit 25.A for the SW 40th Avenue 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 County Attorney's Office.

**Source of Additional Information**

Richard C. Tornese, P.E., Director, Highway Construction and Engineering Division, (954) 577-4579  
Steve Hammond, AIA, Acting Director, Public Works Department, (954) 357-6410

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The estimated cost to the County is \$2,567 for Federal Aid non-participating items, such as mowing and litter removal.