



# Broward County

## Legislation Details (With Text)

<b>File #:</b>	21-1331	<b>Version:</b>	1
		<b>Status:</b>	Agenda Ready
		<b>In control:</b>	Public Works - Highway Construction and Engineering Division
<b>On agenda:</b>	9/9/2021	<b>Final action:</b>	9/9/2021
<b>Title:</b>	<p>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 Copans Road improvement project from SR-7/US-441 to NW 49th Terrace, at an estimated cost of \$1,164 to the County; and authorize Mayor and Clerk to execute same. (Commission District 2)</p> <p>ACTION: (T-10:43 AM) Approved.</p> <p>VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.</p> <p>ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.</p> <p>VOTE: 9-0.</p> <p>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 Copans Road improvement project from SR-7/US-441 to NW 49th Terrace. (Commission District 2)</p> <p>ACTION: (T-10:43 AM) Approved.</p> <p>VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.</p> <p>ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.</p> <p>VOTE: 9-0.</p> <p>C. MOTION TO APPROVE Highway Maintenance Memorandum of Agreement between Broward County and the Florida Department of Transportation for the Florida Department of Transportation's Prospect Road improvement project from SR-7/US-441 to SR-870/Commercial Boulevard, at an estimated cost of \$2,715 to the County; and authorize Mayor and Clerk to execute same. (Commission District 9)</p> <p>ACTION: (T-10:43 AM) Approved.</p> <p>VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.</p> <p>ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.</p> <p>VOTE: 9-0.</p>		

D. 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 Prospect Road improvement project from SR-7/US-441 to SR-870/Commercial Boulevard. (Commission District 9)

ACTION: (T-10:43 AM) Approved.

VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.

ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.

VOTE: 9-0.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Agreement Copans Road, 2. Exhibit 2 - Agreement Prospect Road, 3. Exhibit 3 - Approved Resolution 2019-286

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

**Director's Name:** Trevor M. A. Fisher (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 Copans Road improvement project from SR-7/US-441 to NW 49th Terrace, at an estimated cost of \$1,164 to the County; and authorize Mayor and Clerk to execute same. **(Commission District 2)**

**ACTION: (T-10:43 AM) Approved.**

**VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.**

**ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.**

**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 Copans Road improvement project from SR-7/US-441 to NW 49th Terrace. **(Commission District 2)**

**ACTION: (T-10:43 AM) Approved.**

***VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.***

***ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.***

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

C. MOTION TO APPROVE Highway Maintenance Memorandum of Agreement between Broward County and the Florida Department of Transportation for the Florida Department of Transportation's Prospect Road improvement project from SR-7/US-441 to SR-870/Commercial Boulevard, at an estimated cost of \$2,715 to the County; and authorize Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:43 AM) Approved.***

***VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.***

***ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.***

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

D. 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 Prospect Road improvement project from SR-7/US-441 to SR-870/Commercial Boulevard. **(Commission District 9)**

***ACTION: (T-10:43 AM) Approved.***

***VOTE: 7-0. Commissioner Bogen was out of the room during the vote. Commissioner Ryan was not present.***

***ACTION: (T-11:13 AM) Through Mayor Geller, Commissioners Bogen and Ryan requested being shown voting in the affirmative.***

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

#### **Why Action is Necessary**

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

B. and D. 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 Copans Road from SR-7/US-441 to NW 49th Terrace.

B. Allows the Florida Department of Transportation to make improvements to Copans Road from SR-7/US-441 to NW 49th Terrace without securing a permit from Highway Construction and Engineering Division.

C. Establishes the responsibilities of the County and the Florida Department of Transportation regarding improvements on Prospect Road from SR-7/US-441 to SR-870/Commercial Boulevard.

D. Allows the Florida Department of Transportation to make improvements to Prospect Road from SR-7/US-441 to SR-870/Commercial Boulevard 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 June 4, 2019 (Item No. 4), the Board of County Commissioners adopted Resolution No. 2019-286 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 Copans Road from SR-7/US-441 to NW 49th Terrace and Prospect Road from SR-7/US-441 to SR-870/Commercial Boulevard in Broward County (Exhibit 3).

Copans Road from SR-7/US-441 to NW 49th Terrace is a County road within the City of Margate and City of Coconut Creek. The majority of Prospect Road from SR-7/US-441 to SR-870/Commercial Boulevard is a County road within the Cities of North Lauderdale, Fort Lauderdale, and Tamarac. The projects are collaborative efforts among Broward County, the Broward Metropolitan Planning Organization (MPO), the Florida Department of Transportation (FDOT), and the Cities of Margate, Coconut Creek, North Lauderdale, Fort Lauderdale, and Tamarac. 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 Copans Road project improvements include installation of 8 to 10-foot sidewalks for use by pedestrians and bicycles, signage and pavement markings, and minor drainage and signalization improvements. The Prospect Road project improvements include installation of continuous bicycle lanes and sidewalk connectivity, signage and pavement markings, and minor drainage and signalization improvements. These projects will be implemented with no change to the number of vehicular travel lanes.

The County's Complete Streets Team has reviewed the proposed project improvements and supports the implementation of these projects estimated at \$2.4 million for Copans Road and \$6 million for Prospect Road to be funded through MPO for Federal Aid participating items only. The estimated cost to the County is \$1,164 for Copans Road and \$2,715 for Prospect Road 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 Copans Road improvement project (Exhibit 1). Motion C seeks Board approval of a Highway Maintenance Memorandum of Agreement for the Prospect Road improvement project (Exhibit 2). These Agreements allow FDOT and its contractors to enter County right-of-way and construct the projects. Additionally, the Agreements provide for cooperation between FDOT and County to address utilities and unforeseen conditions. They also require 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 for the project after construction is complete.

Motions B and D seek Board approval to waive the permit requirement of the Broward County Administrative Code, Chapter 25, Exhibit 25.A for the Copans Road and Prospect Road projects, respectively. 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 Agreements have 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, Acting Director, Public Works Department, (954) 357-6410

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

The estimated cost to the County is \$3,879 for Federal Aid non-participating items, such as mowing and litter removal.