Memorandum

MIAMI-DADE COUNTY

Date: March 13, 2008

HPSC
Agenda Item No:
Supplement to
2(E)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Amending Implementing Order 4-41, Schedule of Fees for Permits for Public Works Construction and Other Public Works Related Items, to Provide for a Schedule of Fees for Maintenance of Traffic Permits and Criteria for Waiver of Law Enforcement by the Public Works Director

---

Recommendation

It is recommended that the Board of County Commissioners (BCC) amend Implementing Order 4-41 as required by the Ordinance sponsored by Commissioner Joe A. Martinez requiring certified Law Enforcement Officers to provide maintenance of traffic services in construction of public works projects. The Implementing Order will provide for the collection of fees for Maintenance of Traffic (MOT) services for the temporary obstruction or use of the public right-of-way, and outlines the criteria for waivers pertaining to the requirement of Law Enforcement Officers by the Public Works Department (PWD) Director.

Scope

This Resolution will affect all public roadways within the unincorporated area and County maintained roadways within municipalities.

Fiscal Impact/Funding Source

This amendment to the Implementing Order will provide a Schedule of Fees for MOT permits inclusive of traffic engineering reviews required by the above referenced ordinance. These fees will offset expenses related to the administration, engineering, inspection review, and permitting of MOT plans within Miami-Dade County by PWD and will fund the necessary staff to oversee and manage the MOT Ordinance. This Ordinance will not further impact County Projects; County Projects currently provide an allowance for the use of certified Law Enforcement Officers if required. On County funded projects, the County directly reimburses the contractor for the invoiced costs generated by the law enforcement agency.

The Implementing Order addresses three different types of public right-of-way obstructions: sidewalks, roadways or any part of the public rights-of-ways. To address the first scenario, a permit fee will be established for the obstruction of sidewalks of $50.00 for the first fifty (50) feet of sidewalk obstructed and an additional fee of $30.00 for each additional fifty (50)-foot segment of sidewalk affected. Secondly, an MOT permit fee is also being implemented for work affecting vehicular traffic. The cost of this permit will be based on the length of the lane closure on a linear foot basis at a rate of $75.00 for the first fifty (50) feet of lane closure and $40.00 for each additional one hundred (100)–foot segment of roadway affected. Lastly, the Implementing Order establishes a fee for the temporary use of the public right-of-way for construction activities or equipment staging areas, at a rate of $0.50 per square foot and after ninety (90) days, the fee increases to $0.70 per square foot. These fees are similar to other permits for right-of-way usage and right-of-way obstruction currently being used by major municipalities in order to monitor the use of rights-of-ways and control this major source of congestion in our roadways.

Track Record/Monitor
The person responsible for assuring that all aspects of the Implementing Order are complied with is Mr. Bassam Moubayed, Chief, PWD Construction Division.

Background
Miami-Dade County's infrastructure continues to grow and improvements are necessary to accommodate our ever increasing traffic demands. Often, these construction activities require lane closures, detours and re-routing of traffic through construction zones. These activities are the largest growing source of traffic congestion in the County. In order to route traffic safely through and around these construction zones, PWD requires an MOT plan from the contractor which takes into account the length of closure, type of work being conducted on the roadway, and how the contractor plans on mitigating the circumstances. These plans indicate safety devices such as barricades, cones, detour routes for motor vehicles and pedestrians and buffer zones required to protect roadway workers, as well as the public.

The requirements under this ordinance do not change PWD's current requirement for certified law enforcement officers. The Ordinance establishes a police hiring guideline which provides MDPD with the right of first refusal when hired to work as part of an MOT, either required by the County, or at the discretion of the contractor performing work in the public right-of-way. The guideline requires first the use of a certified Law Enforcement Officer who is a duly appointed employee of the Miami-Dade County Police Department (MDPD). In the event a certified MDPD Law Enforcement Officer is not available for the project, then any certified Law Enforcement Officer with jurisdictional authority can be used. In County Maintained roadways within Municipalities, MDPD will have the right of first refusal to conduct off-duty work at the job site. If no MDPD officer is available, the contractor will be permitted to use any certified Law Enforcement Officer with jurisdictional authority. The certified Law Enforcement Officers will enforce traffic laws to ascertain that the flow of traffic is not unnecessarily impeded.

This Ordinance will also add a permit fee which will allow PWD to review MOT plans in detail and hire inspectors to monitor and inspect the implemented MOTs. These inspectors will ensure that lane closures, detours and accessible pedestrian routes are properly set up, permitted and correctly managed; thus minimizing the inconvenience to the public. This includes monitoring the roadways for permitted lane closures in order to discourage unnecessary or excessively long-term closures or use of the public rights-of-ways. The permits will be valid for a maximum of thirty (30) calendar days. At the end of thirty (30) calendar days, PWD will re-evaluate the closure plan and determine if it is appropriate and warranted for the particular phase of construction, while ensuring that the impact to traffic remains minimal.

PWD held a formal Construction and Utility Industry Workshop to discuss this Ordinance on February 25th, 2008. Developers, General Engineering Contractors, Utility Companies and Municipalities were in attendance.

First, the industry expressed concern that police would be required for all MOTs at all times. PWD explained that the ordinance establishes a hiring guideline that provides MDPD with the right of first refusal when hired to work as part of an MOT, either when required by the County, or at the discretion of the contractor performing work in the public rights-of-ways. PWD further clarified that current police requirements for MOTs in Miami-Dade County maintained roadways would remain the same.

Secondly, the industry inquired as to why additional fees were being assessed for a service that was available in the past especially now since construction permitting has decreased. It was explained that the fees will provide the funding necessary to appropriately staff PWD and ensure that lane closures, detours and accessible pedestrian routes are properly set up, permitted and correctly managed; thus minimizing the inconvenience to the public. This will also include the monitoring of roadways for permitted lane closures in order to discourage unnecessary or excessively long-term closures or use of the public rights-of-ways.

Thirdly, the industry requested a grace period to allow designers, engineers and contractors sufficient time to incorporate the new MOT requirements under this ordinance into their designs and estimates. A grace period of four (4) months to provide for the new ordinance is recommended.

Finally, the industry requested that PWD extend the duration of the MOT permits beyond thirty (30) days. It was explained that the intent of the ordinance is to ensure control of public rights-of-ways and minimize obstructions caused by construction. Therefore, PWD will consider accepting up to six (6) MOT permit applications under a single construction permit, provided that the applications properly reflect each individual phase of the project in order to accurately evaluate the MOT in advance. If necessary, the permit holder may apply for an additional six (6) months under the same conditions.

PWD feels confident that this industry workshop addressed most of the concerns raised by the industry. Additionally, it is the opinion of PWD that any subsequent issues that may arise as a result of this ordinance can be amicably resolved with the industry.

It is therefore, respectfully requested that the BCC approve this amendment.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 8, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No.

RESOLUTION NO. _____

RESOLUTION AMENDING IMPLEMENTING ORDER 4-41, SCHEDULE OF FEES FOR PERMITS FOR PUBLIC WORKS CONSTRUCTION AND OTHER PUBLIC WORKS RELATED ITEMS, TO PROVIDE FOR A SCHEDULE OF FEES FOR MAINTENANCE OF TRAFFIC PERMITS, AND CRITERIA FOR WAIVER OF LAW ENFORCEMENT BY THE PUBLIC WORKS DIRECTOR

WHEREAS, this Board has adopted an ordinance requiring certified Law Enforcement Officers to provide maintenance of traffic services in construction of public works; providing for permitting, inspection and enforcement by the Public Works Department,; and

WHEREAS, the above referenced ordinance requires amending Implementing Order 4-41 to establish maintenance of traffic fees, and for the establishment of a uniform criteria for the waiver of use of certified Law Enforcement Officers by the Public Works Department Director.,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby amends Implementing Order 4-41, Schedule of Fees for Permits for Public Works Construction and Other Public Works Related Items, in the form attached hereto and incorporated herein, and authorizes the County Mayor or his designee to exercise any and all rights conferred therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

5

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

I.O. No.: 4-41
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

SCHEDULE OF FEES FOR PERMITS FOR PUBLIC WORKS CONSTRUCTION AND OTHER PUBLIC WORKS RELATED ITEMS

AUTHORITY:

The Miami-Dade County Home Rule Amendment and Charter and Sections 2-100; 2-103.2; 2-103.16; and 8CC-10 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order supersedes Administrative Order 4-41, ordered December 5th, 2006 and effective December 15th, 2006.

POLICY:

This Implementing order establishes a schedule of fees to cover the costs to the Public Works Department of processing permits and inspection services for public works construction and for paving and drainage construction on public rights-of-way and on private property and no permit shall be issued until the appropriate fee is paid.

PROCEDURE:

The administration of this Implementing Order is designated to the Director, Miami-Dade County Public Works Department, who shall be responsible for the collection of fees and the delivery of required services pursuant to Section 2-100 relating to the powers and duties of the Public Works Department. Every two years, or earlier if need be, the Director of the Miami-Dade County Public Works Department shall review all fees in terms of costs and recommend necessary changes to the County Manager through this Implementing Order procedure.

FEE SCHEDULE:

The fee schedule adopted by this Implementing Order is attached to and made a part hereof. In accordance with Section 2-3 of the Code of Miami-Dade County, this official fee schedule is also filed with the Clerk of the Board of County Commissioners. Fees that are charged by the Public Works Department shall be the same as those listed in the official fee schedule on file with the Clerk of the County Commission.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager

MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT
FEE SCHEDULE

The Miami-Dade County Public Works Department shall charge and collect fees for the items and rates listed in the following schedule:

I. PUBLIC WORKS FEE SCHEDULE

(A) Fees for public works construction, under permit issued by the Public Works Department, in canal, road and street rights-of-way, and utility or other easements, in the unincorporated area of Miami-Dade County, and in rights-of-way of canals, roads and streets located within municipalities that are maintained by Miami-Dade County, and for paving and drainage on private roads and parking lots in the unincorporated area of Miami-Dade County, are fixed as follows:

		Fee
(1)	For installation or repair of sanitary and storm sewers, water lines, gas lines, buried electric, telephone, CATV or other underground utilities:	
	For 100 linear feet or less	$175.00
	For each additional 100 linear feet or fraction thereof	$55.00
(2)	For exfiltration drains consisting of catch basin, exfiltration trench, or slab covered trench:	
	For each 100 linear feet or fraction thereof	$145.00
(3)	For installation of poles or down guys for overhead utilities:	
	For each pole or down guy	$100.00
(4)	For construction or replacement of sidewalks, curbs and gutters:	
	For 100 linear feet or less	$160.00
	For each additional 100 linear feet or fraction thereof	$75.00
(5)	For construction of asphalt or concrete driveways:	
	a) For driveway width of 20 feet or less including private property. (each driveway)	$100.00
	b) For driveway width greater than 20 feet, but not greater than 40 feet, consisting of 1 or more drive approaches, including private property	$115.00
	1. For driveway consisting of 1 or 2 drives (on private road)	$25.00

c) For driveway width greater than 40 feet (each driveway) $170.00

d) For construction of stamped concrete driveways (liability release must be signed by homeowner prior to permit being issued)

For each drive (20 ft. max.) $100.00

e) For construction of brick paver driveways (Recorded Covenant of Construction must be on file prior to permit being issued):

For each drive (20 ft. max.) $130.00

(6) For construction of street pavements, including paving of parkways and shoulders (includes base and subgrade):

a) One lane or two lane pavements (width of pavement being 0 to 24 feet):

For 100 linear feet or less $400.00
For each additional 100 linear feet or fraction thereof $100.00

b) Three or more lanes of pavement (aggregate width greater than 24 feet):

For 100 linear feet or less $340.00
For each additional 100 linear feet or fraction thereof $115.00

NOTE: Fees for paving of parkways and shoulders will be priced the same as those charged for street paving.

(7) For the installation of embankment and/or subgrade material in dedicated or zoned rights-of-way, excluding base rock and asphalt:

For linear feet or less $115.00
For each additional 100 linear feet or fraction thereof $30.00

(8) For construction of curb separators:

For each 100 linear feet or less $55.00
For each additional 100 linear feet or fraction thereof $15.00

(9) For erection of street name signs, traffic or directional signs, etc.:

For each sign $15.00

(10) For construction of bridges:

For bridge roadway area of 1,000 square feet or less $1,140.00
For each additional 100 square feet or fraction thereof $230.00

(11) For installation of permanent type traffic barricades, guardrails or guide posts:

For each 100 linear feet or fraction thereof $85.00

(12) For construction of street or driveway culvert:

For each 100 linear feet or fraction thereof $115.00

(13) Installation of culvert pipe to enclose existing drainage ditch or canal:

For each 100 linear feet or fraction thereof $170.00

(14) Installation of new traffic signals (includes signals, poles and all incidental wiring and interconnects):

For each intersection $1,710.00
(50% of this fee shall be paid at time of application for plan review. This upfront fee shall be applied to the full permit fee if the permit is issued within one year of plan approval).

(15) For upgrade or modification of existing traffic signals (includes signals, poles, and all incidental wiring and interconnects):

For each intersection..... $1,140.00
(50% of this fee shall be paid at time of application for plan review. This upfront fee shall be applied to the full permit fee if the permit is issued within one year of plan approval).

(16) For resurfacing, waterproofing, or seal coating in public rights-of-way (does not apply to private homeowners):

For each 1000 square feet or fraction thereof $25.00

(17) For installation of bus shelter:

For each shelter $115.00

(B) Fees for placement of a newspaper or storage rack under permit issued by the Public Works Department, in the public right-of-way in the unincorporated area of Miami-Dade County, but excluding rights-of-way for roads which are maintained by the State of Florida.

(1) For placement of each newspaper or newspaper storage rack to include inspection by the Public Works inspector..... $ 25.00

(2) Annual renewal fee per each newspaper or newspaper storage rack $10.00

(3) Fee for removal, storage, and disposal per each newspaper or or newspaper storage rack $120.00

(4) Re-inspection fee.....$20.00

(C) Fees for paving and drainage on private property are fixed as follows (private street pavement, drainage and curbs shall be the same as listed in (A) above):

(1) Pavement (other that street pavements):

For each 1,000 square feet paved area or fraction thereof $25.00

(2) Drainage (other than street drainage):

(a) If in conjunction with No. (1), no additional charge, otherwise, 1/3 of the total cost of a permit, as though a paving permit were to be issued.
(b) Drainage on private property prior to paving permit is 1/3 total cost of paving permit.

(3) Curbs, gutters, extruded curbs (other than private streets):

No additional fee

(4) For resurfacing, water proofing, or seal coating on private property (does not apply to private homeowners):

For each 5,000 square feet or fraction thereof $10.00
Maximum permit fee $115.00

(D) Penalty Fees:

When work for which a permit is required is commenced prior to obtaining a permit a penalty fee will be imposed.

THE PENALTY FEE WILL BE $115.00 PLUS DOUBLE THE ORIGINAL PERMIT FEE.

The payment of such penalty fee shall not relieve any person, firm, or corporation from fully complying with all of the requirements of all applicable regulations and codes, nor shall it relieve them from being subject to any of the penalties therein.

(E) Extension of Permit:

A permit may be extended for a period of up to, but not more than one year, from the expiration date of the original permit, provided the Permit Section of the Public Works Department is notified prior to the expiration of the permit. If the permit is allowed to expire without requesting an extension, a new permit will be required, including appropriate fees, for the remainder of the uncompleted work. This does not apply to maintenance of traffic (MOT) permits.

(F) Final Inspection Requested after Expiration of Permit;

A fee of $115.00 will be assessed when a final inspection is requested after a permit's expiration date.

(G) Special Projects:

A fee equal to actual staff time and related costs, shall be assessed for special projects requiring research by the Department in order to answer questions proposed by property owners, homeowners' associations, developers, attorneys, realtors, contractors, or municipalities, etc., in connection with: (a) the use, restrictions, resubdivision, and development of properties, including rights-of-way and easements; (b) the requirements and fees for permitting, platting, bonding, licensing, impact fees, concurrency, road engineering and/or construction, etc.; and/or (c) the determination of any existing violations on the property through a review of departmental records. Such special fee will only be levied for requests outside the scope of normal departmental work. A minimum fee of $55.00 shall be charged.

A fee equal to $2.00 per page shall be assessed for pre-programmed computer reports on Department records. The minimum fee shall be $10.00.

(H) Review – Fence in Right-of-Way:

Review of application for permission to fence within right-of-way $570.00

(I) Fees for temporary use of Public Works Department controlled land or easements are as follows:

$0.30 per square foot per year with a $115.00 minimum yearly fee for residential use and the fair market rental rate per square foot as determined by the Public Works Director with a minimum fee of $1,140.00 per year for commercial use. Ten percent (10%) of the per square foot advalorem tax assessed land value of the

property adjacent to the land being permitted shall be considered by the Public Works Director in determining the annual fair market rental rate for commercial use.

(J) Fees for required Survey Section field reviews of new subdivision plats to verify that State required monuments and lot corners have been set shall be $230.00 for each requested field review.

(K) Non-refundable fees for plans and specifications:
1. For each set of plans $30.00
2. For each set of specifications..... $30.00

(L) Public Works projects – flat fee per project, fee includes cost for MOT permit..... $500.00

(M) Reinspection Fee other than traffic signals $50.00

(N) Reinspection Fee – traffic signals $100.00

(O) Tree Planting Fee $10.00

(P) Plan Review Fee (non-refundable) – Commercial and dry-runs (parking lots, driveways, trees, etc.) to be deducted from subsequent permit fee ..... $ 40.00

(Q) Right of Way Obstruction Permit / Maintenance of Traffic Permits

All MOT permits will be valid for thirty (30) calendar days. After such time, the permit is expired. A new application must be submitted for review by PWD and if approved, a new MOT permit will be issued and fees re-assessed, including traffic review, for each thirty (30) calendar day period.

After three (3) consecutive thirty (30) calendar day renewals, approval in addition to the condition noted above from the Public Works Director or his/her designee, will be required to renew the permit beyond ninety (90) calendar days. Subsequent renewals after the ninety (90) calendar days will continue in thirty (30) calendar day increments and fees are to be collected prior to every renewal.

It shall be the responsibility of the permitee to coordinate the off-duty Law Enforcement officer for his/her permitted roadway or lane closure if required. The permitee will also be responsible to arrange payment as required by the Law Enforcement agencies rules, regulations, policies, and/or procedures.

(1) Covering or obstruction of sidewalk affecting pedestrian traffic, requires maintenance of pedestrian traffic plan providing an ADA accessible route.
(1) 0 – 50 feet $50
(2) Additional over 50 feet per 50 feet or fraction thereof.....$30

(2) Maintenance of Traffic, to include detours, cost per linear foot of Barricades, Cones, or length of detour.

(1) 0 – 50 feet $75

(2) Additional over 50 feet per 100 feet or fraction thereof $40

(3) Fees for temporary use of public right-of-way, $190 minimum. Requires traffic review.

(1) Per square foot.....50¢

(2) After 90 days, per square foot. .....70¢

II. CRITERIA FOR LAW ENFORCEMENT WAIVER

The Public Works Director may waive the use of a certified law enforcement officer when determined to be in the best interest of Miami-Dade County. Upon written application by the permit holder, the written application shall show cause why a waiver shall be issued, and shall be approved by the Public Works Director based upon one or more of the following criteria, among others:

(1) Availability
(2) Consideration of public safety including type of work, location of the work, traffic, and public use.
(3) Cost of the measure
(4) Cost of the overall work
(5) Proof of hardship
(6) Emergency nature of work.