



# Pinellas County

## Staff Report

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File #: 17-2167A, Version: 1

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### **Subject:**

Ordinance amending the County Code by revising Sections 170-269 related to insurance and sureties, and 170-270 related to construction and restoration to address undergrounding of utilities.

### **Recommended Action:**

Adopt the proposed ordinance, following a public hearing, amending the County code by revising Sections 170-269 related to insurance and sureties, and 170-270 related to construction and restoration to address undergrounding of utilities.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

5.3 Ensure effective and efficient delivery of county services and support

### **Summary:**

The Board of County Commissioners (Board) approved the notice of public hearing on December 12, 2017 for proposed changes to Sections 170-269 and 170-270 of the County code. Section 170-269 of the proposed ordinance clarifies and updates the requirements for commercial general liability insurance, workers compensation, automobile liability coverage and pollution liability coverage, which govern the issuance of permits for the placement, maintenance, location, relocation and removal of utilities and other structures within the roads and rights-of-way under the Board of County Commissioner's jurisdiction. The proposed ordinance updates and increases the insurance and surety requirements based upon the review and advice of Risk Management.

Section 170-270 of the proposed ordinance clarifies the standards and procedures for the underground installation of all new public utilities which govern the issuance of permits for the placement of such utilities within the roads and rights-of-way under the Board of County Commissioner's jurisdiction.

### **Background Information:**

The change to Section 170-269 of the code was prompted due to County insurance and surety requirements have not been amended since 2001. The amendments contained in the proposed ordinance reflect changes in the insurance industry and are in line with other counties in the State. This also reflects changes in coverage based upon a comprehensive review of the risks associated with utility work in the right-of-way as well as the financial impact of damage to the right-of-way or structures contained therein, or bodily injury to or occurring from the work done in the right-of-way.

Furthermore, these insurance requirements will not create any additional cost for most utility contractors since they will more than likely have these limits already established if they work for any

of the major utility companies, whose requirements are often greater than the limits established by local government. Even though utility contractors may carry higher limits, the County is limited in most cases by the terms set forth in the insurance policy, and thus must adhere to the lower limits established by local ordinance. In cases where the contractor is working for the County, the contractor is already providing these limits. Staff requests the ordinance be amended so that other utility contractors working in County rights-of-way be required to carry the same policy limits.

Code Section 154-10 requires the undergrounding of utilities within subdivisions. The proposed revisions to Section 170-270 of the code imposes undergrounding requirements upon all new public utilities installed in County rights-of-way within both the incorporated and unincorporated County. Staff has worked with utility providers to gain undergrounding as utility facilities have been replaced within County rights-of-way. The undergrounding of utilities will serve to lessen pole congestion within the right-of-way and serve to decrease potential hazards in the right-of-way in the event of a natural disaster.

Additionally, the new telecommunications facilities being proposed have indicated an extensive amount of conduits and cables can be anticipated in support of the new small cell antennae implementation. This Ordinance extends the requirements currently applied to new subdivisions to now include all utility installations proposed in County maintained Rights-of-ways. Undergrounding will not be required where it will pose a hardship.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Rahim Harji, P.E., Director, Public Works

**Partners:**

N/A

**Attachments:**

Proposed Ordinance

Proposed Ordinance - blackline and strikethrough version